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THE LIVES OF ALL THE LORDS Chancellors, LORDS Keepers, AND LORDS Commissioners, OF THE Great Seal of *England*;

From *WILLIAM* the Conqueror, to the Present Time:

But more at large of those Two Great Opposites,

EDWARD Earl of *Clarendon*,

AND

BULSTRODE Lord *Whitlock*.

With a PARALLEL of their ACTIONS.

To which is added,

An APPENDIX of many Rare and Valuable SPEECHES, LETTERS, &c. referring to the said LIVES.

In Two Volumes.

Necessary for the Readers of the Earl of Clarendon's *and other Histories of those Times.*

By an Impartial Hand.

The Second Edition, with Additions.

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FH
MVSEVM
BRITANNICVM

THE PREFACE.

BIOGRAPHY being a Way of Writing abundantly warranted by Ancient and Modern Practice, and usually affording the best Materials for General History, there needs no Apology to be made for it in this Place. And as all those who have been any thing conversant with the History and Transactions of the last Century, must readily own, That *Clarendon* and *Whitlock* had a very large Share in the Management of the most important and secret Affairs of these Nations, both at Home and Abroad, though of opposite Interests, for many Years together: So consequently the more distinctly and methodically their Lives and Actions are represented, the better Views and Idea's we shall have of the Times they lived in, and the sounder Judgment we shall make of Right and Wrong, to guide us in the

Way of our Duty to that Government and Conſtitution we live under.

'TIS true, they have both writ very largely of the Affairs tranſacted in part of their Times: But that having been done, I ſay but in part, this Attempt might be ſufficiently juſtified, were there no other Reaſon for it, but that it may ſerve as a kind of Supplement to their Works. It muſt be acknowledg'd, they have been both helpful: But leſt any Body ſhould imagine, That the Earl of *Clarendon*'s Life is made up out of his own Voluminous Hiſtory, they will ſoon, upon Peruſal, find, That the far greater part of it is quite otherwiſe. The laſt Scene of his Life, *viz.* from the Reſtoration, where his own Hiſtory ends, has afforded us the moſt Materials; wherein the Calumnies wherewith this great Man was and is ſtill perſecuted, are examined and detected: But of *Whitlock*, the middlemoſt, towards whoſe Life his own Memorials have been very uſeful; by which, however, thoſe who are well acquainted with their ſcattered and promiſcuous Nature, will agree with us, That they can retain but very imperfect Idea's of it: Not but that they will find we have conſulted and made uſe of a great many other very ſcarce and neceſſary Materials; of which, that Conference with *Oliver Cromwell*, about aſſuming the Title

of

of King, is very worthy the Reading and Obſervation of all Antimonarchical Perſons for their Conviction, as well as of the Lovers of a Regal Conſtitution and Government, for their Confirmation.

THE Original Deſign was to write only the Lives of theſe Two great Men; and, if there had been any Poſſibility of effecting it, to have compoſed them, as they were Oppoſites, in Columns, againſt one another; but that being found wholly impracticable, we have given you a ſhort and conciſe Parallel between them at the End of the Second Volume; *Plutarch*, that learned Greek, having many Ages paſt, ſet us an Example for it.

BUT conſidering afterwards, That the Work would be render'd much more compleat by adding a ſuccinct Account of the Lives of all the Lords Chancellors, Lords Keepers, and Lords Commiſſioners, of the Great Seal of *England*, ſince the Conqueſt to this preſent Time, we have adventured upon it, though a Work of much Toil and Difficulty; and that is one Reaſon why *Clarendon* and *Whitlock* do not fall into their proper Order of Succeſſion; though, on the other hand, many others might be aſſigned for their being placed as they are.

INDEED, Sir *William Dugdale*, in his *Origines Juridiciales*, has ſhewed an

indefatigable Induſtry to give us a Catalogue of their Names, the Times of their Advancement to their reſpective Dignities, and when the Seal was taken from them: But, notwithſtanding all his Perſpicacity, ſome Miſtakes and Omiſſions have happen'd, which we have endeavoured to rectify and ſupply by all the Helps we could meet with: And whereas ſome may object, there is but very little ſaid of ſeveral of them, they ſhould rather wonder, conſidering the Remoteneſs and Obſcurity of the Times, and the Ignorance of the Ages wherein many of them lived, we ſhould be enabled to give any Account at all of them: Beſides, the Novelty of the Attempt ought to be allowed as ſome Plea in our Favour, this being the firſt of the Kind that we know of in the World.

DUGDALE, generally ſpeaking, has thought fit to omit thoſe out of his Catalogue, who had the Cuſtody of the Great Seal in ſuch Times as he took the Authority to be illegal and uſurped; and this, we preſume, is the Reaſon why Sir *John Forteſcue*, Chancellor to *Henry* VI. aftet he was firſt outed by *Edward* IV. is not at all taken notice of by him. We acknowledge our Fault in following him too cloſe in this one Particular; but we have ſupplied the Defect at the End of the other Lives, and are not ſenſible that

we have erred in reſpect to any other whatever; our Intention being to comprehend all that ever had the Poſſeſſion of the Great Seal, whether as Chancellors, Keepers, or Commiſſioners, in all the Changes and Revolutions that have happened to theſe our Days.

THE Reaſon for the Supplement is very obvious: It conſiſts chiefly of Speeches, Letters, *&c.* relating to ſome of theſe Compendious Lives; which being uſually ſhort, and indeed but a few of them capable of greater Enlargements, it would have been prepoſterous to have inſerted them there at Length: But yet moſt of them being very ſcarce, full of Eloquence, and containing admirable Turns of Wit and Senſe, it was pity to leave them out, when there was a juſt Handle given to inſert them. A few other Things there are put to them, which, if not referring immediately to the Perſons, refer to the Times, and may ſerve to ſupply ſome of the Defects of all the State-Tracts that are yet extant.

AS we have thought it would not be unacceptable, to give brief Hints here and there of the Anceſtors and Deſcendants of theſe great Men, ſo far as we have been capable to trace them; ſo we have, as much as poſſibly we could, avoided all manner of Cenſures and Reflections, unleſs where the Crimes were

very open and deteſtable, and yet then but ſparingly. If, after ſo long a Series of Years, wherein ſo many reproachful Terms and ſcandalous Diſtinctions have ſwarmed, ſincere Wiſhes could prevail, the *Auguſtean* Age ſhould return again, in which *Livy* durſt not only make honourable Mention of *Scipio* and *Afrianus*, but even of *Brutus* and *Caſſius*, often ſtiling them Excellent Men; and yet he was not the leſs beloved by *Octavius Cæſar*, nor received any other Reprimand from him than to be called *Pompeianus*. And this concludes the Preface to the following Lives.

INTRO-

Introduction.

IT's *the Opinion of ſeveral Learned Men, That the Court of* Chancery, *which holds the Firſt Rank among the reſt of the Courts, had its Name Originally from certain Wooden or Iron Bars laid Latice-wiſe croſs one another, within which the Judge of the Court ſate, the better to keep off the Preſs of the People; ſuch Grates or Bars being called* Cancelli *by the* Romans: *And hence the Eaſt End of Churches, being ſeparated* per Cancellos *from the Body of the Church, as peculiarly belonging to the Prieſt, were called* Chancels. *Farther, That it was the Office of the Chancellor at firſt to regiſter the Acts and Decrees of the Judges. Thus* Lupanus, Qui conſcribendis & excipiendis Judicum Actis dant operam: *And* Pythæus *will have him to have been the ſame as we now call Secretary. But be this as it will, this Office has been ſo far advanced in Dignity with us, as well as in other Nations, that he who held it, had the chief Adminiſtration of Juſtice, eſpecially in private Cauſes, next under the Prince.*

AS to the Antiquity of it in England, *it mounts as high, according to the Learned* Selden, *as King* Ethelbert's *Time, who was the firſt Chriſtian King of the* Saxons: *Since, in a Charter of his to the Church of* Canterbury, *dated* Anno 605. Augemun-

dus

dus Referendarius *is mentioned among other Witneſſes, where* Referendarius, *ſays he, may well ſtand for* Cancellarius; *and that the Office of both, as the Words applied to the Court were uſed in the Code, Novels, and Hiſtory of the Baſs Empire, implied an Officer who received Petitions and Supplications to the King, and made out his Writs and Mandates, as a* Cuſtos Legis. *And, continues that Excellent Author, there were divers* Referendarii, *as ſometimes Eight, ſometimes Thirteen, and more again another while: So alſo it was in Reſpect to the Chancellors of the Empire; and yet one more particularly in this Iſland, that exerciſed an Office in the Nature of thoſe many, might well be ſtiled by either of thoſe Names.*

IT will be a much harder Task than any Man living dare undertake, to exhibit a perfect Series of theſe Great Officers in the ſucceſſive Reigns of the Kings of the Saxon *Race, till the* Norman *Line prevailed. We ſhall therefore content our ſelves with a bare mentioning of the Names of ſuch, for which we have met with good Authority: Of theſe,* Unwona *is the firſt, who is ſtiled in* Matthew Paris, Cancellarius *to* Offa, *King of the* Mercians, *who began his Reign,* Anno 758. Boſa *is the next, in the Time of King* Withfale, *about* 825. *but ſtiled* Scriba *by* Ingulphus: *After him we meet with* Swithulphus, *in the Time of King* Berthulph, *about the Year* 851. *and called* Notarius *by the ſame Author.*

TYR-

TURKETILL *bore this Office in the Reign of* Edward *the Elder, concerning whom* Ingulphus *has these Words*; Cancellarium ſuum eum conſtituit, ut quæcunque negotia Temporalia vel Spiritualia, Regis Judicium expectabant, illius Conſilio & Decreto, (tam Sanctæ Fidei & tam profundi Ingenii tenebatur) omnia tractarentur & tractata irrefragabilem ſententiam ſortirentur: *This* Turketill *likewiſe continued in that Office, we find by the ſame Author, under King* Athelſtan, Edmond *and* Edred, *all of them the Sons and Succeſſors of* Edward *the Elder, he being at the ſame time* Conſiliarius Primus, præcipuus, & a Secretis Familiariſſimus; *and in his old Age was made Abbot of* Croyland.

WE find Adulphus *was Chancellor to King* Edgar; *and by* Matthew Paris, *That* Alfric *bore that Office in* Ethelred's *Time, he being the Eleventh Abbot of St.* Alban's: *And Sir* Henry Spelman *alſo makes it appear, That the ſame King* Ethelred *appointed and ordained the Abbots of* Ely, St. Auguſtine's *in* Canterbury, *and* Glaſſonbury, *ſhould alternatively Exerciſe the Office of Chancellor, by dividing the Year into Three Parts between them. That the Kings before mentioned, had not any Seals, (the Cuſtody of which in ſucceeding Times became the Badge, and One of the principal Duties belonging to the Chancellor's Office)* Ingulphus, *who lived in* William *the Conqueror's*

queror's Time, ſeems ſomewhat poſitively to affirm in theſe Words: Nam Chirographorum Confectionem Anglicanam, quæ antea uſque ad Edwardi Regis tempora, fidelium præſentium Subſcriptionibus, cum crucibus aureis, aliiſque ſacris ſignaculis firma fuerunt; Normanni condemnantes, Chirographa Cartas vocabant, & Cartarum firmitatem, cum & cerea Impreſſione, unius cujuſque ſpeciale Sigillum, ſub Inſtillatione trium vel quatuor teſtium adſtantium, conficere conſtituebant, *&c.*

BUT that Seals were uſed long before this by the French, *is a Matter without all doubt, ſince, in a Charter of the Emperor* Charles *the Great, King of* France, *made to the Monaſtery of* Karrof, *in* Poictou, *of his own Foundation, we have theſe Words:* Et ne hæc preſens Authoritas, noſtris & futuris temporibus, inviolata perdurare valeat, manus noſtræ ſignaculis, eam decrevimus roborari, & de Annulo noſtro Juſſimus Sigillari. *We have in like manner the following Expreſſions in another of* Lewis *the Emperor, Son and Succeſſor of* Charles *the Great, bearing Date in the Year* 814. Hæc vero Auctoritas, ut noſtris futuriſque Temporibus melius credatur & manu propria Subſcripſimus, & de Annulo noſtro Juſſimus Sigillari.

NAY, There are ſome learned Men of Opinion, That the Charter of King Edgar *to the Monaſtery of* Perſhore *in* Worceſterſhire, *which began thus,* P. Orthodoxorum

rum vigoris Eccleſiaſticâ monitu creberrime inſtruimur, &c. *and whereon there are apparent Signs of Three Labels, by the Places cut therein for them, had Three Seals hanging thereunto,* viz. *One of King* Edgar, *another of St.* Dunſtan, *and the Third of* Alferus, *afterwards Duke of* Mercia; *And as a farther Proof thereof, theſe Words in a Letter from* Godfrey, *Archdeacon of* Worceſter, *to Pope* Alexander III. *were cited:* Noverit Sanctitas veſtra, verum eſſe, quod conſcripti hujus conſcriptum Originale, in virtute S. *Trinitatis,* Sigilla tria, trium perſonarum Authenticarum, ad veritatem triplici Confirmatione commendat: Eſt autem Sigillum primum illuſtris Regis Edgari, ſecundum S. Dunſtani Cantuar. Archiepiſcopi, tertium Alferi, Ducis Merciorum, ſicut ex diligenti, literarum impreſſarum inſpectione evidenter accepi, &c.

FOR a farther Confirmation of theſe Things, ſome have produced the Teſtimony of Sulcardus, *a Monk of* Weſtminſter, *in his Regiſter concerning the ſame King* Edgar's *Charter to that Abbey,* viz. Et ut hæc Autoritas noſtris & futuris temporibus circa ipſum Sanctum locum, perenniter firma inviolata permaneat, & ab optimatibus noſtris & Judicibus publicis & privatis certius credatur, manus noſtræ ſubſcriptione, ſubtus eam decrevimus roborare, & Sigillo noſtro Juſſimus ſigillari. *Then as to St.* Dunſtan, *you have on the*

Year

Year 959 *Words to this Effect:* Ego Dunſtanus, acſi peccator, nomine tantum Epiſcopus, hanc libertatis ſcedulam, impreſſione Sigilli mei & Annuli, inſuper & agalmate, S. Crucis diligenter Conſignavi, ac dein, manibus ad cœlum extenſis, dixi, ſiquis hanc munificentiam auxerit, augeat Deus, &c. *Theſe Words of King* Eadwi, *the Brother of* Edgar, Ann. 956. *in his Charter of* Gaing *made to the Monks of* Abendon, *are all produced in Evidence in this Caſe:* Ego Eadwi Rex meum donum proprio Sigillo roboravi: *For this they cite the Regiſter of* Abendon, *in the* Cotonian *Library*; *to which may be added, the Ancient Controverſy in King* Ethelred's *Time, between* Goodwine *Biſhop of* Rocheſter *and* Leofwine, Aelfage's *Son, about* Cnodding-Land, *wherein expreſs mention is made of the King's Writ and Seal's being made uſe of to aſſemble the Men of* Eaſt *and* Weſt Kent *for ending of it.*

LET it be admitted therefore upon the whole, That there was either no Sealing of Charters at all in the Time of our Saxon *Kings, or at leaſt, that the ſame was not a common Practice: This does not affect at all the Office of Chancellor, which was not originally denominated from the Cuſtody of the King's Seal*; *and indeed, we are to look no higher for a conſtant Succeſſion of Seals than the Days of* Edward *the Confeſſor, in whoſe Reign, we learn from* Hoveden, *That* Leofricus, *ſirnamed* Britanni-

cus,

cus, Wulvius *and* Rembaldus, *were Chancellors, the Two laſt being alſo Keepers of his Seal, which is very evident from theſe Words in his Charters to the Church of* Weſtminſter: Ut hoc decretum, a nobis promulgatum, pleniorem obtineat vigorem, manu noſtro ſubter appoſito ſigno roboravimus, atque fidelibus noſtris præſentibus roborandum tradidimus, noſtræ Imaginis Sigilla inſuper aſſignari Juſſimus, &c. *And afterwards,* Wulwius Regiæ dignitatis Cancellarius relegit & ſigillavit, &c. *And as to the other,* Ego Reimbaldus, Regis Cancellarius, relegi & ſigillavi: *So likewiſe was* Mauricius, *Chancellor to* William *the Conqueror, Keeper of his Seal, as appears by theſe Words of that King's Charter of Confirmation unto the ſaid Abbey of* Weſtminſter: Ego Willielmus, Dei Gratia, Rex Anglorum, Dux Normannorum, & Princeps Cenomannorum, hoc præceptum ſcribere præcepi, & ſcriptum hoc ſigno Dominico ſic Confirmando + Stabilivi; noſtræque imaginis Sigillo inſuper aſſignari curavi, &c. *And after,* Mauricius Regis Cancellarius relegit & ſigillavit.

HOW impracticable ſoever the Sealing of Charters was before the Time of the Norman *Invaſion, it became very uſual from thence forwards, as may be ſeen from what has been already obſerved by the Teſtimony of* Ingulphus, *and may be further evidenced from the Laws of the Confeſſor, as recited and confirmed*

firmed by King William 1. *and run thus*: Si quiſpiam Murdratus alicubi reperiebatur, interfector illius qui ſi inveniri non poterat, menſis & unius diei habebunt reſpectum ad eum perquirendum, qui ſi infra terminum non inveniebatur, colligebuntur in villa illa XC^ta^ Marcæ: Quod ſi ad tantæ ſolutionem pecuniæ non ſufficiebat, per Hundredum colligebatur quod in villa non poterat: Veruntamen quando omnino villa confundebatur, providerant Barones, quod per Hundreda colligerentur, & Sigillo alicujus Baronis Comitatus ſigillarentur, & ad Theſaurariam Regis deportarentur; quas Sigillatas ipſe ſervaret per Annum & Diem unum, quod ſi infra tunc terminum poſſit Murderator haberi, traderetur Juſticiæ Regis, & ipſi Marcas Theſaurario Regis Commendatas rehaberent. *And the reaſon of ſuch Sealing of Charters is given by* Bracton: Quoniam Scripturæ non eſſet fides adhibenda; niſi ſignum intervenerit quod talis donatio & ſcriptura a Conſcientia & voluntate Donatoris emanaret, ideo, in Teſtimonium & Approbationem rei geſtæ, apponit Donator ſignum, adjicendo in Cartâ, Clauſulam iſtam quod ut ratum ſit & firmum, vel in cujus rei Teſtimonium, huic ſcripto ſigillum meum appoſui. Non refert utrum proprio, vel alieno Sigillo Carta eſt ſignata, cum ſemel a donatore, coram Teſtibus ad hoc vocati, recognita & conceſſa fuerit. *This makes*

it

it evident, That ſince the Conqueſt, Seals were uſed upon all Occaſions, tho' ſometimes thoſe of Perſons who were not Parties to the Grant; Inſtances of which might be produced: But that being foreign to the preſent Deſign, we ſhall now take Notice of what can be met with of moſt Antiquity, to ſet forth the Nature of this great Office. Cancellarii Dignitas, *ſays the Author of the Life of* Thomas a Becket, *Archbiſhop of* Canterbury, *in the Reign of* Henry II, eſt ut ſecundus a Rege in Regno habeatur, ut altera parte Sigilli Regii, quod ejus pertinet Cuſtodiam, propria ſignet Mandata: Ut Capella Regia in illius ſit diſpoſitione & Cura: Ut vacantes Archiepiſcopatus, Epiſcopatus, Abbatias & Baronias, Cadentes in manum Regis, ipſe ſuſcipiat & conſervet: Ut omnibus Regiis aſſit Conſiliis, etiam non vocatus accedat: Ut omnia Sigilliferi Clerici Regii ſua manu ſignentur: Item, Ut ſuffragantibus, ex Dei Gratia vitæ meritis, non moriatur, niſi Archiepiſcopus vel Epiſcopus, ſi voluerit. Inde eſt, quod Cancellaria non emenda eſt.

AND another at the ſame time ſaith thus: Cancellarius, ſicut in Curia, ſic ad Scaccarium magnus eſt; adeo ut ſine ipſius conſenſu vel Conſilio nihil magnum fiat, vel fieri debeat: Verum hoc habet Officium, dum reſidet ad Scaccarium, ad ipſum pertinet Cuſtodia Sigilli Regii, quod eſt in Theſauro; ſed inde

non recedit niſi cum præcepto Juſticiari (ſcil. ſummi Angliæ Juſticiarii) ab inferiore ad ſuperius Scaccarium a Theſaurario vel Camerario defertur, ad explenda ſolum negotia Scaccarii; quibus peractis in loculum mittitur, & loculus Cancellario conſignatur & ſic Theſaurario traditur Cuſtodiendus.

ITEM cum neceſſe fuerit, ſignatus ſub omnium oculis Cancellario offertur; nunquam ab ipſo vel ab alio alias offerendus: Item ad ipſum pertinent rotuli, qui eſt de Cancellaria, Cuſtodia, per ſuppoſitam Perſonam. *Another we meet with about the Time of* Edward I. *who ſays thus:* Officium Cancellariæ viro provido & diſcreto, ut Epiſcopo vel Clerico magnæ Dignitatis debet Committi, ſimul cum Curâ majoris Sigilli Regni; cujus ſubſtituti ſunt Cancellarii omnes in Anglia, Hibernia, Walliæ, & Scotiâ; omneſque Sigilli Regii Cuſtodes, præter cuſtodem Sigilli privati.

BUT notwithſtanding the Expreſſion abovementioned, That Altera pars Sigilli Regis pertinet ad ejus Cuſtodiam, *'tis certain, That the Cuſtody of the Seal in Ancient Times, was frequently committed to others, as will appear hereafter. But for as much as thoſe, who were Chancellors, had for the moſt part the keeping of it; it ſometimes hapned, that they who had kept the Great Seal were vulgarly reputed to be Chancellors: Nay, ſome Modern Authors tell us,*

That

That the Lord Chancellor had ſometimes his Vice-Chancellor, commonly called Keeper of the Great Seal; what certain Authority they have for it, I do not know.

BE it as it will; It was Enacted in the Parliament of the 28 Hen. III. *That the Keeper of the Great Seal ſhould be always the Chancellor; and that all Things ſealed otherwiſe ſhould be made void:* Si aliqua interveniente occaſione Dominus Rex abſtulerit Sigillum ſuum, quicquid fuerit interim Sigillatum irritum habeatur & inane; & deinde Cancellario fiat reſtitutio. *It's true, this Law was not afterwards ſtrictly obſerved; the Cuſtody of the Great Seal being often committed to ſuch Perſons, who were not the King's Chancellors, until by the Statute of the* 5 Eliz. c. 18. *it was declared, that the Common Law is, That the Keeper of the Great Seal of* England *for the time being, is, and always was,* &c. *and hath always had and uſed,* &c. *as belonging to his Office, the like Place of the Lord Chancellor for the time being, lawfully uſed,* &c. *So that our Kings and Queens of* England, *from henceforward, always beſtowed the Great Seal, either with the Title of Lord Keeper, or that of Lord Chancellor, (ſaving that it has ſometimes been in Commiſſion) both with the ſame Power and Right of Precedence; only as a Lord Chancellor, he receives a Patent for his Office, which the Lord Keeper does not; and by the Title of Chancellor he is look'd upon as in great Fa-*

vour with his Prince; and, indeed, of late Years, they have ſeldom failed of being advanced to the Peerage of England along with it.

SOME make this Court to be Officina Juſtitiæ, the Womb of all our Fundamental Laws, the Fountain of all our Proceedings in Law, and the Origin of all our Courts: But as to the Antiquity of the Juriſdiction of the Lord Chancellor, for Hearing of Civil Cauſes, Mr. Lambert is of Opinion, That they had none in that reſpect till the Reign of Edward I. But that then the Power of the Juſticiarius Angliæ declining, it being ſtrained, ad Placita coram Rege tenenda; the King committed to his Chancellor, together with the Truſt and Charge of his Great Seal, his own Royal and extraordinary Preheminence of Juriſdiction in ſuch Civil Cauſes, as well for the Amendment, as Supply of the Common Law; which Power, that it was not ſo diſpoſed of by the King till then, may very well, ſays he, be inferred from Breton, a Learned Lawyer, who in that King's Time, writing of all other Courts, from the higheſt Tribunal to the Court Baron, makes no mention of the Chancery: However, towards the latter end of this King's Reign it was Enacted, That the Chancellor, and the Juſtices of his Bench, ſhould follow the King, that is, whitherſoever his Court removed; ſo that he might at all Times have near his Perſon ſome Men eminently skilled in the Law, who were able to manage all ſuch Mat-

ters

ters, as ſhould come unto the Court at all times, if need ſhould require: The Juſtices, 'tis very likely, to attend as to Matters of Law, and the Chancellor for Equity.

HOWEVER, this Act did not Impower the Chancellor abſolutely by himſelf to determine ſuch Civil Cauſes, as might ſeem by that Law, which was made in 28 Edw. III. *whereby it appears, That the Treaſurer was joined with him, to hear the Complaints of ſuch as had any thing to offer againſt Sheriffs, Eſcheators, Bailiffs of Franchiſes, and other Miniſters; as alſo againſt Maintainers, Common Embracers, and Jurors in the County; and about the Preſents and Rewards which the ſaid Miniſters took of the People to execute their Office,* &c. *and to order that ſpeedy Remedy ſhould be made in thoſe Caſes.*

BUT by an Act of Parliament made in 36 Edw. III. *concerning Purveyors and Achators, and of ſuch Things as the Mayor and Conſtables of the Staple ſhould take Cognizance of, it was Enacted, That if any one found himſelf aggrieved, contrary to thoſe Articles,* (viz. *concerning Purveyors,* &c.) *or others contained in divers Statutes, and would come into the* Chancery, *or any for him, and thereof make his Complaint, he ſhould preſently have Remedy there, by Virtue of the ſaid Articles and Statutes, without purſuing for Redreſs elſewhere: But notwithſtanding this Act, it does not appear by the Reports of the Common Law, as* Lambert

obſerves,

obſerves, That there have been any frequent mention made of Cauſes brought before the Chancellor for Redreſs in Equity, till the Time of Henry IV. *in whoſe Days, by reaſon of the inteſtine Troubles, Feofments to uſe did either firſt Begin, in the Opinion of ſome, or elſe firſt grew Common and Familiar, as all Men muſt agree: Nor are there any Bills and Decrees in* Chancery *to be found before the* 20 Hen. VI. *ſuch Cauſes as have been heard from henceforward in that Court, having been before decided in the Houſe of Lords aſſembled in Parliament, as may be ſeen from the Number of Petitions of that Nature in Parliament, which are ſtill extant.*

THE Place where the Lord Chancellor anciently ſate and held this Court, was at the upper end of Weſtminſter-Hall, *at that long Marble-Table there ſituate, (tho' now covered with the Courts there erected) to which there are Five or Six Steps to go up: For when* Simon Langham, *Biſhop of* Ely, *was made Lord Chancellor, in* 36 Edw. III. *which was on* Sunday *the* 19*th of* February, *the Record ſays, That on the* Tueſday *following he took the Great Seal along with him to* Weſtminſter: Et in ſede Marmorea, ubi Cancellarii ſedere ſunt aſſueti, ſedens, &c. Literas Patentes, &c. conſignari fecit. *That is, He ſeated himſelf in the Marble Chair, wherein the Chancellor uſed to ſit and ſeal Patents,* &c. *which Marble Chair is ſtill remaining, the ſame being fixed in the Wall over againſt the middle of that Marble-Table.*

AS to the Modern Concerns and Methods of this Court, it proceeds either ordinarily, according to the Laws, Statutes and Customs of the Nation, and in Latin, *granting Writs Mandatory and Remedial, Writs of Grace; or else, according to Equity and Conscience, and by* English *Bill or Plaint, much like the Courts of the Civil Law; the Witnesses are examined in private, the Decrees in* English *or* Latin, *not in* French, *and no Jury of Twelve Men: So that the* Chancery *contains two Courts in one; The equitable part is by Bills, Answers and Decrees, to examine Frauds, Combinations, Trusts, Secret Uses,* &c. *To moderate the Rigour of the Laws, and rescue Men out of the Hands of their Oppressors: To relieve a Man especially in Three Things,* viz. *Against Cheats, unfortunate Accidents, and Breaches of Trust.*

OUT of this Court are issued Writs or Summons for Parliaments and Convocations, Edicts, Proclamations, Charters, Protections, Safe-Conducts, Writs of Moderata Miserecordia, *when any Person hath been Amerced too high; and for a reasonable Part of Goods for Widows and Orphans; Patents for Sheriffs; Writs of* Certiorari, *to remove Records, and false Judgments in inferior Courts; Writs of* Audita Querela *and* Scire facias: *Here are Sealed and Enrolled, Letters Patents, Treaties and Leagues with Foreign Princes, Deeds between Party and Party touching their Lands and Estates, or Purchasers*

chasers taking Recognizances, and making of Extents upon Statutes, and Recognizances for Payment of Money, or Securing of Contracts, Writs Remedial or Magisterial, Commissions of Appeal, Oyer *and* Terminer, &c. *Nay, The Court of* Common-Pleas, *which are between Subject and Subject, hath its Original and Commission from the* Chancery, *and cannot hold* Pleas *without it.*

THE Court of Equity, which proceeds not according to Law, is no Court of Record, and therefore Binds only the Person, and not his Lands or Goods: However, being a Court of Conscience, is less perplexed with the Quirks of the Law; tho' some ill Men have found out Ways to make even this of Equity it self grievous to the Subject: The sole Judge of this Court is the Lord Chancellor, or Lord Keeper of the Great Seal of England *for the time being; whereas in other Courts there are Three or Four Judges: But he may and frequently does, in Cases of greater Weight and Difficulty in Point of Law, call some of the other Judges to his Assistance. But the Two Kingdoms of* England *and* Scotland *being lately United, and the Officer that bare this Trust in the Latter having always had the Title of Lord Chancellor, Her Majesty soon after was pleased to give the Lord* Cowper, *the present Judge of this Court, the Stile and Title of Lord High Chancellor of* Great Britain; *and, I presume, this for the future will be the Stile of all his Successors in this exalted Station.*

* * *

THE

THE

LIFE

OF

EDWARD,

Earl of *Clarendon*, &c.

MR. *Edward Hide* was the Son of *Henry Hide*, of *Pyrton*, in the County of *Wilts*, by *Mary*, his Wife, the Daughter and Heir of *Edward Langford*, of *Tunbridge*, in the same County; which *Henry* was the Third Son of *Laurence Hide*, of *Gussage* St. *Michael*, in the County of *Dorset*, descended from an Ancient and Genteel Family of his Name, living at *Northbury* in *Cheshire*. This Gentleman was Born at *Dinton*, near *Hindon* in *Wiltshire*, on the 16th of *February*, or thereabouts, in the Year 1608. He was very carefully Educated in Grammar Learning in his Youth, soon discovered the Pregnancy of his Parts, and his Elevated Genius; and in Lent Term, *Anno* 1622,

1608.

1622. 1622, became a Student of *Magdalen-Hall*, in the Univerſity of *Oxford*, where having apply'd himſelf to indefatigable Study, and highly improved his Natural Endowments with Academical Learning, he removed from thence, after he had taken the Degree of Batchellor of Arts to the *Middle Temple*, where he Studied the Law for ſeveral Years, and attained to an Immenſe Knowledge, in that Honourable Profeſſion: But not attaining to any Publick Station till the Year 1640, we have nothing remarkable concerning him till that Time.

1640. IT's proper in this Place to obſerve, that there had been an Interval of Parliaments for about Twelve Years in *England*, when the preſſing Affairs of King *Charles*, and more particularly the *Scotch* Invaſion, principally occaſioned by impoſing the Liturgy upon that Nation, put that Prince under the Neceſſity of calling a new Parliament, which met on the 3d of *April* 1640, and wherein Mr. *Hide* had the Honour to ſerve the firſt Time as Burgeſs for *Wooton-Baſſet* in his own County: His Abilities were ſoon diſcerned by the Great and Leading Men of the Houſe, and without Flattery he ſhewed himſelf thro' the Courſe of the time that Parliament ſat, a good and even Patriot, wholly Intent upon the Welfare and Tranquility of the Nation.

GRIEVANCES multiply'd upon Grievances, during ſo long a Receſs of Parliaments, required Time to Redreſs, as the King's Want of Money did the ſpeedy Diſpatch of the Supplies; ſo that his Majeſty in a Meſſage was pleaſed to let the Commons know, that he heard the Ship-Money was unwillingly ſubmitted to by the People, which therefore he would releaſe for the future in ſuch a Manner as his Parliament

ment ſhould adviſe, if they would grant him Twelve Subſidies to be paid in Three Years: This occaſioned great Debates that Day and the next, when Mr. *Hambden* ſeeing the Matter ripe for the Queſtion, deſired it might be put, "Whether the Houſe ſhould "comply with the Propoſition made by the "King, as it was contained in the Meſſage? Hereupon Serjeant *Glanvile*, the Speaker, (for the Houſe was then in a Committee) endeavour'd in a Pathetical Speech to perſuade 'em to comply with the King, and ſo reconcile him to Parliaments for ever. 1640.

NO Speech ever united the Inclinations of a popular Council more to the Speaker than this did; and if the Queſtion had been preſently put it was believ'd few wou'd have oppos'd it. But after a ſhort Silence, the other Side recovering new Courage, call'd again with ſome Earneſtneſs that Mr. *Hambden*'s Queſtion ſhould be put, which being like to meet with a Concurrence, Mr. *Hide* being very ſollicitous to keep Things in ſome tolerable Calmneſs, then ſtood up, and giving his Reaſons for his Diſlike to that Queſtion, propoſed, "That to the end every Man might "freely give his Yea or No, the Queſtion might "be put only upon giving the King a Supply; "which if it was carried, another might be put "upon the Manner and Proportion; if not, it "wou'd have the ſame Effect with the other "propos'd by Mr. *Hambden*. This, after it had been ſome time oppos'd and diverted by other Propoſitions, which were anſwer'd by Mr. *Hide*, wou'd, as it was generally believ'd, have been put, and carried in the Affirmative, tho poſitively oppoſed by *Herbert* the Sollicitor-General, if Sir *Harry Vane* the Secretary had not ſtood up, and aſſured 'em as from his Ma-

1640. jesty, That if they should pass a Vote for a Supply, and not in the Proportion propos'd in his Majesties Message, it wou'd not be accepted by him, and therefore desired that the Question might be laid aside; which being again urged by the Sollicitor-General, and it being near Five in the Afternoon, it was readily consented to that the House shou'd Adjourn to the next Morning, at what Time they were suddenly Dissolved; and within an Hour after Mr. *Hide* met Mr. *Saint John*, who was seldom known to smile, but then had a most chearful Aspect, and observing the other Melancholy, as indeed he was from his Heart, asked him, "What troubled him? Who answer'd, "The "same he believ'd that troubled most good "Men; that in a time of so much Confusion, "so Wise a Parliament shou'd be so impru-"dently Dissolved; the other replied some-what warmly, "that all was well, that things "must grow worse before they wou'd grow "better, and that that Parliament would "never have done what was requi-"site.

BUT tho' this Parliament was so abruptly Dissolved, the King and Kingdom, as Things stood, could not long remain without another, which met the 3d of *November* following, and wherein Mr. *Hide* served for the Town of *Saltash*, in the County of *Cornwal*: His Abilities began now to be very much taken notice of, and he was imploy'd in several Committees to examine and give their Opinion to the House concerning divers Grievances; and when from the Importunity of the *Scotch* Commissioners (now in Treaty) to get Money, some of the Leading Men seem'd to despair of being able to Borrow more, for that the City was dishear-

ten'd

ten'd to ſee no Delinquents brought yet to Ju- 1640.
ſtice, and therefore that none could be expected from thence till ſome Advance was made to thoſe longed Ends, Mr. *Hide* ſtood up and ſaid, "He did not think the Thing ſo difficult as "was pretended; that no Man lent his Mo- "ney who was not a Gainer by it; that there "was Money enough to be had, and did not "doubt but if a ſmall Committee from the "Houſe was ſent to confer in the Name of the "Houſe with thoſe who were reputed to be "Monied Men, they might prevail for as "much as would ſerve the preſent Exigence, Whereupon the Houſe named him, Mr. *Capel*, Sir *John Strangeways*, and Five or Six more, who repair'd into the City, and after they had ſpoken together with Four or Five Eminent Men, of Wiſdom and Sobriety, as well as Ability to lend, they agreed to divide themſelves, and confer ſeparately with their particular Acquaintance upon the ſame Subject. Many Men chuſing rather to lend their Money than to be thought to have it, and being very cautious in their Expreſſions, except in Private; they found, when they had again communicated together, that the Buſineſs was very eaſie, every Man with whom they had conferr'd being willing to lend upon their Security who propoſed it: And Mr. *Hide* the next Day reported the Succeſs of their Employment, and then enlarged upon "the Temper they found the "City to be in, upon the Authority of "thoſe who might reaſonably be ſuppos'd "to know it beſt. That indeed it was much "concern'd to ſee Two Armies maintain'd at "ſo vaſt a Charge within the Bowels of the "Kingdom, and that they who were able "to make good what they promis'd,

" had readily engaged, if a peremptory Day " was aſſign'd for being rid of thoſe Armies, " there ſhould be no Want of Money to Diſ- " charge 'em.

THE Major Part of the Houſe receiv'd this Report with great Applauſe, and Mr. *Hide* was no leſs Active and Serviceable to his Country, in endeavouring to take away the Court of *York*, (of which the Earl of *Strafford* had for ſome Years been Preſident,) the Commons in a Committee having taking the ſame into Conſideration, Mr. *Hide*, the Chair-Man, reported the Caſe, and thereupon it was reſolved, that the Commiſſions and Inſtructions, whereby the Preſident and Council in the North Exerciſed a Juriſdiction, was Illegal both in Creation and Execution, and that it was Improfitable to his Majeſty, and Inconvenient and Grievous to his Subjects in thoſe Parts; Mr. *Hide* thereupon being appointed to manage the Conference with the Lords touching the ſame Court, he made the following moſt Learned and Eloquent Speech to them.

April 22. 1641.

My Lords,

I *Am commanded by the Knights, Citizens and Burgeſſes of the Houſe of Commons, to preſent to your Lordſhips a Great and Crying Grievance; which, tho' it be complained of in the preſent Preſſures but by the Northern Parts, yet by the Logical Conſequence of it it is the Grievance of the Whole Kingdom: The Court of the Preſident and Council of the* North, *or as it is more uſually called the Court of* York, *which by the Spirit and Ambition of the Miniſters truſted there, or by the natural Inclination of Courts to enlarge their own Power and Juriſdiction, hath ſo prodigiouſly broken down the*

Banks

Banks of the first Channels wherein it ran, that it hath almost overwhelmed that Country, under the Sea of Arbitrary Power, and involved the People in a Labyrinth of Distemper, Oppression and Poverty. 1641.

YOUR *Lordships will give me Leave, not with Presumption, to inform your great Understandings, but that you may know what moved the House of Commons to their Resolutions, to remember your Lordships of the Foundation and Erecting of this Court, and of the Progress and Growth of it.*

YOUR *Lordships well know that upon the Suppression of all Religious Houses to such a Value in the Seven and Twentieth Year of* Hen. 8. *from that time to the Thirtieth of that King's Reign, many (not fewer) than Six Insurrections and Rebellions were made in the Northern Parts, under Pretence of that Quarrel, most of them under the Command of some Eminent Person of that Country, the which being quieted before the end of the Thirtieth, that Great King well knowing his own Mind, and what he meant to do with the Great Houses of Religion in the Year following, for the Prevention of any Inconveniency that might ensue to him upon such Distemper, in the One and Thirtieth Year of his Reign granted a Commission to the Bishop of* Landaff, *the first President, and others, for the quiet Government of the County of* York, Northumberland, Cumberland, *and* Westmoreland, *the Bishoprick of* Durham, *the Counties of the City of* York, Kingston *upon* Hull, *and* Newcastle *upon* Tine. *But, my Lords, the Commission was no other than a Commission of Oyer and Terminer, only it had a Cause at the end of it, for the hearing of all Causes Real and Personal,* Quando ambo partes, vel altera pars sic gravata

1641. paupertate fuerit, quod commode jus ſuum ſecundum legem Regni noſtri alteri perſequi non poſſit: *Which Clauſe, how Illegal ſoever, (for that it is Illegal, and Void in Law, little Doubt can be made,) yet whether they exerciſed that Part of the Commiſſion at all, or ſo ſparingly exerciſed it, that Poor People found Eaſe and Benefit by it, I know not; but at that Time I find no Complaint againſt it. Till the coming in of King* James, *the Commiſſion continued ſtill the ſame, and that in the firſt Year of his Reign to the Lord* Sheffield *varied no otherwiſe from the former, ſave only that it had Reference to Inſtructions that ſhould be ſent; tho' whether any were ſent or no is uncertain, for we can find none.*

IN June, *in the Seventh Year of the Reign of King* James, *a new Commiſſion was granted to the ſame Man (the Lord* Sheffield*) very differing from all that went before, it being left out that they ſhould inquire* Per Sacramentum bonorum & legalium hominum, *and to hear and determine* Secundum leges Angliæ, *relation being had only to the Inſtructions, which were the firſt Inſtructions we can find that were ſent thither; tho' I told your Lordſhips there were ſome Mention of ſome in* 1 Jac. *I ſhall not trouble your Lordſhips with theſe Inſtructions, nor with the other that followed in* 11 Jac. *to the ſame Man, nor in* 16 Jac. *when a new Commiſſion was granted to my Lord* Sunderland, *nor indeed with any till we come to theſe preſent Inſtructions and Commiſſion, with which that Part of the Kingdom groans and languiſhes. My Lord of* Strafford *came to that Government in* December 4 Car. *and ſince the Commiſſion hath been Three ſeveral times reviewed. In the Fifth Year in* March, *in the*

the Eight in November, *and in the Thirteenth* 1641.
of his Majesties Reign: Into that Commission of the 8th and 13th, a new Clause was screwed for the Granting, Sequestring and Establishing Possessions acoording to Instructions, crowded in a Mass of New, Exorbitant and Intolerable Power, tho' our Complaint be against this Commission itself, and against the whole Body of those Instructions, that by the vast Irregularity of those your Lordships may judge how unsupportable the whole Burden is. I shall not trouble your Lordships with the Ninth Instruction, tho' it be but short, that Miseram servitutem & ubi, jus est vagum & incognitum, *by requiring an Obedience to such Ordinances and Determinations as be or shall be made by Council-Table, or High Commission Court: A Grievance, my Lords, however,* Consuetudo & peccantum Claritas nobilitaverit hanc culpam, *of so transcendent a Nature, that your Lordships Noble Justice will provide a Remedy against it, with no less Care than you would rescue the Blood and Life of the Commonwealth.*

READ the 19, 22, 23, 24, 29, and 30, I will not trouble your Lordships with reading more, there being among them in the whole 58 Instructions scarce one that is not against or beside the Law.

WHETHER His Majesty may Canton out his Kingdom to be Tried by Commission, tho' according to the Rites of Law, since the whole Kingdom is under the Law and Government of the Courts at Westminster, *and by this Reason several Parts of the Kingdom may be deprived of that Priviledge, will not be now the Question; and that His Majesty cannot by Commission erect a new Court of Chancery, or Proceedings according to the Rules of the Star-Chamber, is most clear*

to

1641. *to all that have read* Magna Charta; *which alloweth no Proceedings,* Nisi per legale Judicium parium per legem terræ. *For our Court of Chancery here by long Usage and Prescriptions is grown to be as it were* Lex terræ: *But, my Lords, the Thirtieth Instruction goes further, and erects such an Empire, such a Dominion, as shall be liable to no contrary: The Courts of* Westminster, *my Lords, have Superintendencies over all Inferior Courts, to regulate their Jurisdiction if they exceed their Limits, to hold Plea of a greater Value, or the like, in the Exercise of Jurisdiction, the Judges are sworn to grant and send Prohibitions; and to stop the granting these Prohibitions, or to neglect them when they are granted, is the greatest and boldest Scorn of the Law, and the Law-makers, that can be imagined.*

THE *King's Courts at* Westminster *having been always of that Lawful and Reverend Esteem with Inferior Judges, that the Instances of such Contempts against them are rare and exemplary in the Punishment.*

THE *Bishop of* Norwich *in* Trinity-*Term, in the* 22*th Year of* Edward *III. in* Rot. 289. *in the Common-Pleas, in* Hillary-*Term* 21, *in the* King's-Bench, *was attacked for disobeying a Prohibition at the Suit of* Straeil, *upon full and solemn Dismission of the whole Matter, the Court resolved that the Proceedings of the Bishop were,* Inobedientiam & Diminutionem Domini, & potestatis Regiæ, Authoritatis suæ Rejectionem & Coronæ suæ Exhereditationem Manifestam, &c. *as the Words of the Records are, and therefore adjudged the Temporalities of the Bishop to be seized into the King's Hands, and great, very great Damages to be paid to the Plaintiffs. And whosoever gave Directions for these*

stout

ſtout Inſtructions, might have remembred that no longer ſince than Michaelmas, *in the Seventh Year of* Elizabeth, *Rot.* 31. *an Attachment was granted againſt the Archbiſhop of* York, *then Preſident of that Council, for forbidding the Goaler of* York *to deliver one* Lambert *his Priſoner, who was ſent for by* Habeas Corpus *from the* King's-Bench; *and if they would have believed the Reſolution of all the Judges in* England, *in* Trinity-*Term, in the Sixth Year of King* James I. *they would have known how unfit it had been to enlarge that Juriſdiction, ſince moſt of their Proceedings being of an inferior Nature to what they are now grown, were then declared to be Illegal, and Inconſiſtent with the Liberty of the Subject.* 1641.

AND can ſuch a Court as this, my Lords, deſerve to live? What a Compendious Abridgment hath York *got of all the Courts of* Weſtminſter-Hall? *Whatſoever falls within the Cognizance or Juriſdiction of either Courts here, is compleatly determinable within that One Court at* York, *beſides the Power it hath with the Eccleſiaſtical and Commiſſion Courts.*

WHAT hath the good Northern People done, that they only muſt be Diſfranchiſed of all their Priviledges by Magna Charta, *and the Petition of Right? For to what Purpoſe ſerve theſe Statutes, if they may be Fined and Impriſoned without Law, according to the Diſcretion of the Commiſſioners? What have they done, that they, and they alone, of all the People of this happy Iſland, muſt be Diſinherited of their Birthright, of their Inheritance? For Prohibitions, Writs of* Habeas Corpus, *Writs of Error, are the Birthright and Inheritance of the Subjects.*

AND 'tis here worth your Lordſhips Obſervation, that to thoſe many Prohibitions that have

been

1641. *been granted from above, (for till of late the Court of* York *had not the Courage to oppoſe Prohibitions, nor indeed till our Courts here had not the Courage to grant them,) it was never known that Court pleaded the Juriſdiction of their Counſel, which without doubt they would have upon the Advantage of many Great Perſons, in whoſe Protection they have always been, had they not known the Law could not be miſinterpreted enough to allow it.*

YOUR Lordſhips remember the Directions I mentioned of Magna Charta, *that all Proceedings ſhall be* Per legale Judicium Patrium & per legem Terræ. *Now theſe Juriſdictions tell you, you ſhall proceed according to your Diſcretion; that is, you ſhall do what you Pleaſe; only that we may not ſuſpect this Diſcretion will be gentler and kinder to us than the Law, ſpecial Proviſion is made, no Fine, no Puniſhment, ſhall be leſs than is appointed by Law, by no Means, but as much greater as your Diſcretion ſhall think fit; and indeed in this Improvement we find Arbitrary Courts are very pregnant; if the Law require my good Behaviour, this Diſcretion makes me cloſe Priſoner; if the Law ſets me upon the Pillory, this Diſcretion appoints me to leave my Ears there.*

BUT this Proceeding according to Diſcretion is no new Expreſſion: It was in the firſt Commiſſion I told your Lordſhips of in the 31th of Hen. VIII. *that they ſhould proceed,* Secundum legem & Conſuetudinem Regni Angliæ, vel aliter Secundum ſanas diſcretiones veſtras; *which in the Interpretation of the Law, and that in the beſt Interpretation, ſignifies the ſame thing. To proceed according to Diſcretion, is to proceed according to Law, which is* Summa Diſcretio, *but not according to their private*

private Conceit or Affection; for Talis discretio, (*saith the Law*) Discretionem confundit; *and such a Confusion hath this Discretion in these Instructions produced, as if Discretion were only removed from Rage and Fury: No Inconvenience, no Mischief, no Disgrace, that the Malice, or Insolence, or Curiosity of those Commissioners, had a Mind to bring upon that People, but through the Latitude and Power of this Discretion hath been the Quick-sand which hath swallow'd up their Property, their Liberty; I beseech your Lordships rescue them from this Discretion. Besides the Charge that this Court is to His Majesty, which is* 1300 l. per Ann. *your Lordships will easily guess what an unsupportable Burden the many Officers, whose Places are of great Value, the Attorneys, Clerks, Registers, and above a Thousand Sollicitors, that attend the Courts, must be to that People; insomuch that the Country seems to be divided into Officers and Dependants on that Court, and the People upon whom these Officers of that Court prey and commit Rapines, as he said in* Petronius, omnes hic aut captantur aut captant, aut cadavera quæ lacerentur, aut corvi qui lacerent. *Truly, my Lords, these vext-worn People of the* North *are not Suitors to your Lordships, to regulate this Court, or to reform the Judges of it, but for extirpating these Judges, and the utter abolishing this Court; they are of* Caro's *Mind, who would not submit to* Cæsar *for his Life, saying,* He would not be beholding to a Tyrant for Injustice, for it was Injustice in him to save a Man's Life, over whom he had no Power.

1641.

SO these Gentlemen desire not to be beholding to this Court hereafter for Injustice.

The

1641. THE very Administration of Injustice, founded upon such Illegal Principles, being a Grievance and an Oppression to the Subject.

FIRST, Upon the whole Matter the House of Commons is of Opinion, that the Commission and Instructions, whereby the President and Council of the North Exercise a Jurisdiction, is Illegal both in the Creation and Execution.

SECONDLY, That it is unprofitable to His Majesty; for besides so much, near Thirteen Hundred Pounds taken out of His Majesties Revenue every Year, His Majesty loseth the great Benefit that would accrue to him upon Writs, upon Fines, upon Outlawries, and other Profits, which redound to His Majesty out of His Courts here.

AND which I had almost forgot to tell your Lordships of, that His Majesty may be sure to have Benefit from that Court, notable Care is to be taken by the Fifty-three Instructions, that if any Money remains over and above all Disbursements, it shall be bestowed in providing Houshold Stuff and Furniture for the House where the Lord President and Council used to sit.

AND Lastly, That it is Inconvenient and Grievous to His Majesties Subjects of those Parts.

AND therefore they are humble Suitors to your Lordships, and the House of Commons, on this Behalf, that since this People do, and have in all Matters of Duty and Affection, contended with the best of His Majesties Subjects, that they may not be distinguished from them, in the manner of His Majesties Justice and Protection, since this Court Originally instituted and continued by His Majesty, for the Ease and Benefit of his Subjects, is apparently inverted to the Burden and Discomfort of them; and that your Lordships will join with the House of Commons in beseeching

ing His Majeſty that the preſent Commiſſion may be revoked, and no more ſuch granted for the future. 1641.

BUT tho' Mr. *Hide* was as willing to proceed as any Body in redreſſing the Grievances of the Nation, he was on the other Hand as watchful for the Security of the Eſtabliſh'd Church now begun to be ſtruck at; and a ſhort Bill being brought in to take away the Biſhops Votes in Parliament, and to leave them out of all Commiſſions of the Peace, or any thing that had Relation to Temporal Affairs, he was very earneſt for the throwing it out, and ſaid, "That from "the Time that Parliaments begun, Biſhops "had always been a Part of it. That if they "were taken out there was no Body left to "repreſent the Clergy, which wou'd introduce "another Piece of Injuſtice, no other Part of "the Kingdom cou'd complain of, who being "all repreſented in Parliament, were bound to "ſubmit to whatever was enacted there, be-"cauſe it was upon the Matter with their own "Conſent; whereas if the Bill was carried, "there was no Body left to repreſent the "Clergy, and yet they muſt be bound by their "Determination. When he had done, the Lord *Falkland*, who always ſate next to him, (which was ſo much obſerv'd, that if they came not in together, as they uſually did, every Body left the Place for him that was abſent,) ſtood up, and declared, he was of another Opinion; and that he never heard the Conſtitution of the Kingdom would be violated by the paſſing that Act; and that he had heard many of the Clergy proteſt that they could not own themſelves repreſented by the Biſhops; but if that could be made appear, it was to be preſumed the Houſe of Peers, (among

1641. mong whom they ſate, and had yet their Votes,) would throw it out; and ſo facetiouſly anſwering ſome other Particulars, he concluded for paſſing the Act.

MANY of the Houſe were wonderfully pleaſed to ſee the Two inſeparable Friends divided in ſo Important a Point, that they could not reſtrain from a kind of Rejoicing; and the more becauſe they ſaw Mr. *Hide* much ſurprized, as indeed he was, having never diſcovered the leaſt Inclination in the other towards ſuch a Compliance; and therefore they flatter'd themſelves, that they might in time work the Lord *Falkland* to a further Compliance with them. But therein they found themſelves miſtaken: The Earl of *Strafford*'s Trial was now depending, and how warm ſoever Mr. *Hide* appeared againſt that Noble Lord, as he had been Preſident of the Council in the North, yet being fully convinced in mind that the Earl had committed no Crimes of State which by Law could affect his Life, he neglected no Opportunities to ſave him; and therefore going one Afternoon to *Pickadilly* Houſe for Entertainment and Gaming, where there were an upper and lower Bowling Green reſorted to by many People of Quality, as ſoon as he came into the Ground the Earl of *Bedford* came to him, and after ſome ſhort Compliments told him, "He was glad he was "come thither; for there was a Friend of his "in the lower Ground who ſtood in Need of "his Counſel. He ſaid, that Buſineſs con-"cerning the Earl of *Strafford* was a Rock "upon which they ſhould all ſplit; and that "the Kingdom would be deſtroyed through "the Heat of the Parliament. That the King "was ready to do all they could ask if they "would ſpare that Earl's Life. That his Ma-

"jeſty

" jeſty was ſatisfied he had by his paſſionate 1641.
" Proceedings render'd himſelf uſeleſs to his Ser-
" vice for the future, and was well content he
" ſhould be baniſhed, or impriſoned for his Life,
" as they ſhould think fit. That if by their
" own Judicatory they would take his Death
" upon themſelves, he would not interpoſe any
" Act of his own Conſequence; but ſince they
" declined that, and intended to proceed by an
" Act of Parliament, to which he himſelf muſt
" be a Party, that he could not with a ſafe
" Conſcience ever give his Royal Aſſent to
" it. Becauſe having been preſent at the whole
" Trial, he had heard nothing proved by
" which he could believe he was a Trai-
" tor, either in Fact or Intention; and there-
" fore his Majeſty earneſtly deſired of both
" Houſes, they would not bring him a Bill to
" Paſs, which in Conſcience he neither could
" nor would conſent to. The Earl continued,
and ſaid, " That he did all he could to perſuade
" his Friends to decline their violent Proſecution,
" and be ſatisfied with the Remedy propoſed
" by the King; and that he ſhould not deſpair
" of Succeſs, if the Earl of *Eſſex* could be per-
" ſuaded to comply, who was hitherto very ob-
" ſtinate. That he had left his Brother, the
" Marquiſs of *Hertford*, walking with him in
" the lower Grounds; and he deſired Mr. *Hyde*
" to walk down thither, and endeavour to per-
" ſuade the Earl to Reaſon, which the other was
very ready to do. Accordingly finding the Mar-
quiſs and the Earl together, the Marquiſs, after a
too ſhort Salutation, departed, and left the other
alone on Purpoſe. The Earl begun merrily in
telling him, " He had that Morning perform-
" ed a Service which he knew he did not in-
" tend; that by what he had ſaid at the Con-

1641. "ference againſt the Court of *York*, he had re-
"vived their Prejudice againſt the Earl of
"*Strafford*, ſo that he hoped they would
"now proceed in the Bill againſt him with
"Vigour; which was the Effect, of which, he
ſaid, he was ſure he had no Mind to be the
Cauſe. Mr. *Hide* confeſſed he had indeed
no ſuch Purpoſe, and hoped ſomewhat he
had ſaid might put other Thoughts into 'em,
to proceed in another Method upon his
Crimes. That he knew their having ſlept
ſo long upon the Bill, proceeded from their
Diſagreement upon the Point of Treaſons,
which the longer they conſidered would ad-
miniſter the more Difficulties. But if that
was declined, they ſhould all agree he had
deſerved ſo ſevere a Cenſure, as would abſo-
lutely deprive him of all Power that might
prove Dangerous to the Kingdom, or Miſ-
chievous to any to whom he was no Friend.
He ſhook his Head, and replied, *Stone-dead
hath no Fellow.* That if he were Fined, and
Sentenced to be Impriſoned during Life, the
King would preſently grant him his Pardon
and Eſtate, remit all his Fines, and give
him his Liberty as ſoon as he had a Mind to
receive him into his Service, which would be as
ſoon as the Parliament was ended: And when
Mr. *Hide* was ready to anſwer him, the Earl
told him familiarly, that he had been tired
that Afternoon upon that Argument, and
therefore deſired him to deſiſt for the pre-
ſent; aſſuring him he would be ready to
confer with him upon that Subject at any o-
ther time.

SOON after Mr. *Hide* took an Opportunity to
renew the Diſcourſe, but found him upon his
Guard; and tho' he gave Ear to all the othe
would

would ſay with great Patience, yet he was very Conciſe in his Arguments, and ſeemed fixed in his Reſolution; and when he was preſſed, "How unjuſtifiable a thing it was for "any Man to do what his own Conſcience "perſuaded him was Sinful; that he knew him "ſo well, that if he was not firmly ſatisfied "of the Guilt of the Earl of *Strafford*, the "King could never oblige him to give his "Vote for that Bill; and therefore he admired "how he could urge the King to do an Act he "declared ſo directly againſt his Conſcience; "that he neither cou'd nor wou'd give his "Royal Aſſent to the Bill. The Earl anſwered with ſome Commotion, "That the King "in Conſcience was obliged to conform himſelf "and his Opinion to the Judgment and Conſci-"ence of his Parliament. 1641.

I need not here recount the Earl of *Strafford*'s Fate, Attainted he was, and Beheaded; but tho' thoſe who were ſuppoſed to favour him, either of Lords or Commons, were branded with the Name of *Straffordians*, and Betrayers of their Country, and that a Liſt of them was poſted up at the Corner of the Wall of Sir *William Brunkard*'s Houſe in the *Old Palace Yard* in *Weſtminſter*, yet ſuch was the Sagacity and Caution of Mr *Hide* in his Conduct about this unhappy Affair, that he was not included amongſt them.

THE Earl's Blood did not allay the Jealouſies and Fears of the People, great Suſpicions there were that the King had ſtill many Evil Councellors about him, and ſome in the Houſe of Commons were very intent to drive the Duke of *Richmond* from Court; and one Day whilſt they were very Hot upon this Argument, and were about to Name him, which hitherto they had not

1641. done. Mr. *Hyde* ſtood up, and ſaid, "He really believed the King had ſtill ſome Evil "Councellors about him, whom it were much "better to Name, than to amuſe the Houſe "with a general Mention of 'em, as if they "durſt not Name 'em; that for his Part, if a "Day was appointed he was ready to Name "one, whom, upon due Reflections, he had "great Reaſon to believe an Evil Councellor. They were mightily afraid he meant the Marquiſs of *Hamilton*, and for the future no more inſiſted upon the Diſcovery of Evil Councellors, tho' the Duke was never at reſt till they had forced him to reſign the Cinque Ports to the Earl of *Warwick*. And Mr. *Hide*'s neareſt Friends were ſollicited to perſuade him not to attempt to prejudice the Marquiſs of *Hamilton*; and even his Majeſty himſelf was prevail'd with to ſend to him upon the ſame Score.

When every Body now expected the Houſe would enter upon no Buſineſs till the Treaty of Pacification with the *Scotch* was finiſh'd, they call'd one Morning for a Bill (brought in long before by Sir *Edward Deering*) for the Extirpation of Epiſcopacy, read it a ſecond time, and committed it, and reſolved to proceed upon it the next Day, when there was a long Debate who ſhould be Chair-man of the Committee: They who were Friends to the Bill were for having Mr. *Hide* in the Chair, that he might not by too frequent Speaking obſtruct it, and the other Side were for Mr. *Crew*, but in Concluſion they who were for Mr. *Hide* carry'd it. But after Twenty Days ſpent in that Matter, the King reſolving to begin his Journey for *Scotland*, they were forced to let it reſt, tho' a new Bill was ſome time after brought in

to

to the ſame purpoſe: But the King (now in *Scotland*) filling up divers vacant Biſhopricks, the Commons upon the News of it were much concerned, and earneſtly urged, That the Lords might be moved to join with 'em, in ſending to the King to defer making any new Biſhops till the Controverſie concerning Church Government ſhould be decided, and it was carried by the Major Part, That a Committee ſhould be appointed, to draw up Reaſons for the Lords to join with them in that Deſire to the King. When it was voted a Committee ſhould be appointed, they, who during the Debate had oppoſed the Thing, were called on to be of that Committee, amongſt whom were the Lord *Falkland*, and Mr. *Hide*, who 'deſired they might be excuſed 'from that Office; for having given ſo many 'Reaſons againſt it, they could not conceive 'what could be urged in its Behalf; and 'therefore thought the Buſineſs would be bet-'ter done, if they, who were convinced them-'ſelves of the Reaſonableneſs of it, would un-'dertake to perſuade other Men. 1641.

The King being now on his Return from *Scotland*, and the Commons having prepared a Remonſtrance of the Illegal Practices ſince the beginning of his Reign, it admitted of many warm and ſharp Debates before it could be carried in the Affirmative; but then Mr. *Hambden* moving for an Order for the preſent Printing of it, Mr. *Hide* as ſoon as the Motion was made ſaid ſomewhat warmly, "He believ'd it was not lawful to Print it before it was ſent up to the "Houſe of Peers for their Concurrence, and "fear'd it might be Miſchievous in the Effect; and therefore deſir'd, if the Queſtion, "when it was put, ſhould be carry'd in the Affir-

1641. mative, he might have leave to enter his Proteſtation: Whereupon Mr. *Jeffery Palmer*, and afterwards many others, cry'd out, *They did proteſt.* But next Day being ſpent in private Conſultations, and it being reſolved not to admit that Preſident, that Men ſhould proteſt againſt the Senſe of the Houſe; which indeed was not uſual, this was the more readily embrac'd, becauſe they ſhould take a Hearty Revenge upon Mr *Hide*, to whoſe Activity they imputed their Yeſterday's Trouble; and he being the firſt that Proteſted, or rather ask'd Leave to do ſo, occaſioned the ſubſequent Clamour, which indeed was very diſorderly. But here they were divided among themſelves; all the Leading Violent Men were glad of this Opportunity to be rid of Mr. *Hide*; but Sir *John Hotham*, *Choldmondly*, and *Stapleton*, in Memory to the Service he had done 'em againſt the Court of *York*, oppoſed the queſtioning of him, but were ready to join in proſecuting the reſt, whereof there was a ſufficient Number. This grew to ſo great a Difference among 'em, that for the preſent they agreed no farther, than that they would take Care that Afternoon that the Matter ſhould be enter'd upon the next Morning; when ſome of them firſt enlarged themſelves upon the Offence itſelf, that it never had been offered in that Houſe before, and that they ought to take Care it never ſhould again, by a ſevere Judgment of the Houſe upon thoſe who had been firſt guilty of the Preſumption. Mr. *Hide*, who knew nothing of their private Cabal, and had great Reaſon to think himſelf the Perſon deſign'd, ſtood up (tho' ſome of his Northern Friends by their Signs, which he underſtood not, adviſed him to the contrary,) and ſaid, "It behoved him to vindicate "what he had done, ſince he was the firſt who

"men-

" mentioned the Proteſtation: Upon which there 1641.
was a great Noiſe and Clamour to withdraw, and as great to ſpeak. He went on and ſaid, " He was not Old enough to be acquainted with " the Cuſtoms of that Houſe, yet he knew any " Man in the Houſe of Peers might enter his " Diſſent againſt the Judgment of that Houſe. " That he knew no reaſon why a Commoner " ſhould not have the ſame Priviledge, if he " thought not fit to be involved in a Vote, which " might poſſibly prove inconvenient to him. " That he had not offer'd his Proteſtation a- " gainſt the Remonſtrance, becauſe it continued " ſtill within thoſe Walls, but againſt the Print- " ing it, which he thought in many Reſpects " unlawful for them to do, and might be of " dangerous Conſequence to the Publick " Peace.

WHAT he had ſaid, and his Aſſurance in ſpeaking it, gave 'em great Offence; and Mr. *Strode* could not refrain ſaying, " That Gentleman had " confeſſed enough himſelf, and therefore deſi- " red he might withdraw; which many others likewiſe inſiſted upon, till Sir *John Hotham* roſe with ſome Warmth againſt it, and his Son accuſed Mr. *Palmer* as the firſt Occaſion of the Diſorder, by ſaying, *I do proteſt*, without the Leave of the Houſe firſt ask'd: And ſo Mr. *Palmer* was call'd upon in a great Noiſe and Confuſion to explain himſelf; which as he was going to do, Mr. *Hyde* (who had ſo great a Love for him, that he had rather ſuffer himſelf than that he ſhould,) ſpoke to the Orders of the Houſe, and ſaid, ' It was never known a Practice in ' that Houſe, that a Man ſhould be called upon ' to explain what he had ſaid Two Days before, ' which 'tis probable was then loſt to his Me- ' mory; and appeal'd to the Houſe if they had

1641. 'any Precedent of that kind. But they would not be diverted, till after a Debate of Two Hours he himſelf deſired, 'That to ſave the 'Houſe any farther Trouble, he might explain 'himſelf and withdraw, which he did. After a long Debate, and Night coming on, they order'd, 'That he ſhould be ſent to the *Tower*; the 'the Warm Men among 'em urging earneſtly 'that he ſhould be Expelled the Houſe; having ow'd him a good Turn for his Civility to the Earl of *Strafford*; but at laſt they were content with his Commitment to the *Tower*, from whence he was in a few Days releaſed, and ſate in the Houſe.

The Parties and Animoſities ran ſo high, that this is all the Favour Mr. *Hide* received, little Conſideration being had to his Services, performed but very little before this, againſt thoſe Barons of the Exchequer, who had given their Opinions in favour of Ship-Money, and other but too Arbitrary Proceedings of theſe Times: For the Commons having prepared a Charge againſt the Lord Chief Baron *Davenport*, Baron *Weſton*, and Baron *Trevor*, Mr. *Hide* was ſent up with the Impeachment to the Lords, to whom he made an Excellent Speech, wherein he told them, 'there could not be a greater Inſtance of 'a Sick and Languiſhing Commonwealth than 'the Buſineſs of that Day; how could the guil-'ty of late Years be puniſhed, when the Judges 'themſelves had been ſuch Delinquents? That 'twas 'an Irregular, Extravagant and Arbitrary Power 'had broke in, like a Torrent, upon them, when 'the Laws, the Banks and Bulwarks of their Li-'berties, were in the Cuſtody of ſuch Perſons, 'that Men who had loſt their Innocence could 'not preſerve their Courage, ſo that it could not be 'expected that thoſe who had viſibly undone them, 'ſhould

ſhould themſelves have the Vertue or Credit to reſcue them from the Oppreſſion of other Men; that it was once ſaid by an Excellent Spokeſman, that the Twelve Judges were the Twelve Lions under the Throne of *Solomon*; under the Throne in Obedience, but yet Lions; that their Lordſhips ſhould hear that Day affixt, for there were others Impeach'd, who (let them be what they would otherwiſe) were no Lions; who upon Popular Fears delivered up the Precious Forts they were entruſted with, almoſt without any Aſſault, and in a tame and eaſie Trance of Flattery and Servitude, ſhamefully loſt and forfeited that Reputation, Awe and Reverence, which the Wiſdom, Courage and Gravity of their Venerable Predeceſſors had faſtned to the Places they then held, and even rendred that Study and Profeſſion, which in all Ages had been, and he hoped now would be, held in Honourable Eſteem, ſo Vile and Contemptible, that had not that Bleſſed Day come, every Body would have had ſuch a Contempt of the Law itſelf, as *Marius* had of the *Greek* Language, which he diſdain'd to learn us, being that of a Nation who lived in Bondage under others; that he appeal'd to thoſe unhappy Gentlemen themſelves, with what ſtrange Neglect, Scorn and Indignation, we, and even the meaneſt of People, looked upon them, ſince that Fatal Declenſion of their Underſtanding in thoſe Judgments, of which they were then charged before their Lordſhips. But yet that the Work of that Day was the greateſt Inſtance of a growing and thriving Government too, and as the Dawn of a fair and laſting Day of Happineſs to the Kingdom; that it was in their Lordſhips Power (as he was ſure in their Inclination) to reſtore the dejected, broken People of this Iſland to their priſtine Joy and 1641.

1641. 'and Safety; the Succeſſors of the Accuſed to 'their former Knowledge and Eſteem, *& ſepultas* '*prope leges revocare.*

HERE having read Three ſeveral Charges againſt the Barons aforeſaid, 'he obſerved to their 'Lordſhips, that the great Reſolution in Ship-'Money was a Crime of ſo prodigious a Na-'ture, that it could not eaſily be digeſted by the 'Conſciences even of theſe Men; but that as 'thoſe who are to Wreſtle, or Run a Race, did 'gradually prepare themſelves by Diet and leſſer 'Eſſays for the main Exerciſe; ſo thoſe Judges 'entred themſelves, and hardned their Hearts by 'more particular Incroachments upon the Law, 'by Taxes and Impoſitions upon Merchants, by 'Burdens and Preſſures upon the Gentry, and by 'Knighthood, before they could arrive at that 'general Ruin of the Kingdom by Ship-Money, 'which flattered them with Rewards and Secu-'rity for all their former Services; by doing the 'Work of a Parliament, in giving Supplies to 'the King, and ſeemed to elude Juſtice, in leav-'ing none to Judge them; by making the whole 'Kingdom a Party to their Oppreſſion: That thoſe 'Three Judges ſeemed to be equally guilty of 'that Crime; for tho' the Lord Chief Baron was 'not charged with that Judgment in the Exche-'quer Chamber againſt Mr. *Hambden*, and that 'he hapned to fail in making his Concluſion from 'his own Premiſes, yet their Lordſhips ſaw how 'ſoon he repented that that Miſchief was done 'without him there, by overtaking his Bre-'thren in his Circuit; and that as 'twas ſaid of 'the baſeſt Sort of Flatterers, *Crudeliſſimo Servi-'tutis Genere, quod intra ſe abominabantur, palam* '*laudabant*, he made all poſſible haſte to reſcue 'himſelf from that Imputation of Juſtice, and pub-'lickly declared in the Face of the Country, that

'it

it was adjudged by all the Judges of *England* 1641.
that Ship-Money was due to the King.

'THAT he had nothing to ſay as to the Reſolutions and Judgment itſelf, upon which their Lordſhips had paſſed their Noble Judgment; but that the firſt Charge in order was that preſumptuous Decree againſt Mr. *Rolls* and others; and that in reality what Gloſs ſoever was put upon it, it was no other than a plain Grant of the Subſidy of Tunnage and Poundage on all Merchandize to the King; that after their Goods were ſeiz'd for Non-payment of the pretended Duty, and that the Proprietors brought Replevins, the natural and genuine Remedy in Caſes of Property, the Court Awarded an Injunction to ſtay them: That the Goods were in the King's Poſſeſſion, and no Replevin would lye againſt him. Here Mr. *Hide* tells their Lordſhips, that the Injuſtice was not ſo Scandalous as the Fraud; that every Body indeed knew, that neither a Replevin, nor any other Suit, lay againſt the King, if the Goods were in his own Hands, in his Bed-Chamber; but that to call a Seizure by Farmers, or the Ware-houſes of the Cuſtoms, the King's Poſſeſſion, was to deprive the Subject of his proper Remedy, and the boldeſt Piece of Sophiſtry to be met with in a Court of Judicature. The *Civilians*, continues he, ſay, *Tutor Domini loco habetur, cum rem Adminiſtrat, non cum pupillum ſpoliat.* That the Office of Judges was to preſerve and remedy Mens Rights; that they found here the known and unqueſtionable Right; what then muſt theſe Judges be called? That he was not willing to ſay much upon the Subject, 'twas enough their Lordſhips knew Tunnage and Poundage were not a Duty to the Crown, but a Subſidy, and ſo granted *in Subſidium*; ſometimes *pro una vice tantum*; ſometimes

for

1641. 'for a Term of Years, then ceaſed when the 'Time expired; that when it was firſt granted 'for Life, it was with this Clauſe, *ita quod non 'trahetur in Exemplum futuris Regibus*; and 'twas 'abundantly enough manifeſt his Majeſty could 'not be tainted with the Advices and Judgment of 'theſe Men, but looked on that Duty ſingly, as the 'meer Affection and Bounty of his Subjects, which 'doubtleſs he ſhould never want.

'That the next Charge was concerning Impo-'ſitions, that Mr. *Vaſſall*'s Goods were ſeiz'd for 'not paying Impoſts, which he looked upon to be 'againſt Law; that he was Impriſon'd and had 'Judgment given againſt him, without ſuffering 'him to be heard, in point of Right, as having 'been before an adjudged Caſe in that of *Bates*'s; 'and that yet thoſe very Judges did not think 'themſelves ſo tied up by former Judgments, but 'that they had argued a Caſe ſince, upon the ſame 'Head, which was that of *Walſingham*, adjudged 'in *Hillary* Term, 15 *Eliz.* and continued after-'wards by all the Judges of *England* in a Writ of 'Error in the 21ſt of that Queen's Reign: That 'however they were ſeiz'd again with the ſame 'Modeſty in the Caſe of a Noble Lord, not then 'preſent; that it was not then the Queſtion, whe-'ther the King without Conſent of Parliament 'could lay Impoſitions upon the Merchants Goods; 'that that Matter was reſolved, and nothing now 'could be ſaid upon the Argument: Only he took 'leave to ſay, that if the King could by Letters 'Patents create ſuch a Right to himſelf, and by 'a Legal Courſe recover that Right, under ſuch 'a Title, that then ſuch Letters Patents were no 'ways inferiour to an Act of Parliament: That to 'Reconcile ſuch a Power in the Prince, with the 'Property of the Subject, ſo that the One ſhould 'not be deſtructive of the other, would require

'a far

a far greater and ſubtler Genius, than he pre- 1641.
tended to.

However, he proceeded, and told their Lordſhips, 'that he did not take the Judgment in the Caſe, to be ſo great a Crime in thoſe Judges, as that they preſumed to Judge at all; that the Matter had been long debated in Parliament undetermined, and therefore not within the Cognizance of an Inferiour Court: That if what *Forteſcue* ſays in his 36 Chapter of the Laws of *England* had not been true, *neque Rex per ſe aut Miniſtros ſuos, tallagia, ſubſidia, aut quævis onera alia imponit, &c. ſine Conceſſione vel Aſſenſu totius Regni ſui in Parliamento ſuo Expreſſo, &c.* That if the Statute *de tallagio non Concedendo*, if the Thirtieth Chapter of *Magna Charta*, and all other Statutes to that End, were not clear in the Matter, they might eaſily have apprehended ſo much Weight and Difficulty in the Queſtion, (eſpecially ſince the Word *Impoſition* was not as much as found in any of their Law Books, till the Caſe in the Lord *Dyer*, 1 *Eliz.*) that they might very well have thought themſelves no competent Judges to determine it; and he hoped from the Experience of that Parliament the Judges would recover that Ancient Modeſty, to believe that ſome Caſes might fall out which came not properly within their Juriſdiction. That in the 9th of *Edward* II. it being found by *an Office*, after the Death of *Gilbert de Clare*, Earl of *Gloceſter*, that his Siſters were his Heirs, *niſi Comitiſſa Gloceſtriæ eſſet pregnans*, the Queſtion was, whether the King might give the Heirs the Livery, *in prejudicium Impregnaturæ*; but this being looked upon as a difficult knotty Buſineſs, and the King having Commanded the Chancellor and Judges to give their Opinions in Writing, their Anſwer was, *quod non Audebant dictum Negotium definire, nec*

'*Domino*

1641. 'Domino Regi consulere sine consensu Magnatum 'propter raritatem & difficultatem; and tha 'thereupon a Day was assigned the Parties a 'proximum Parliamentum: Then he appealed t 'their Lordships Knowledge of what speci 'Care there was taken by the Statute of 1 'Edw. III. Cap. 5. that such difficult Matte 'as were not fit for the Judges, or through Emi 'nent delay were not dispatch'd by them, shoul 'be determined in Parliament. Not that he woul 'have the Parties concerned recur upon al 'Occasions to their Lordships Judgments, rathe 'than the Rules and Proceedings of the Law 'which might occasion much Mischief an 'Confusion, but in such Cases that had been delay' 'only through the difficulty of them; and he wish 'ed those Gentlemen had thought it a Matter o 'so much difficulty as required to be delay'd.

THE next thing he came to was the Charg concerning Knighthood, to which he sai 'that Mr. *Maleveren* appearing upon the Pro 'cess of the Court of Exchequer, and submittin 'to the Fine, *posuit se in Gratiam Curiæ*; tha 'the Barons refused to impose any Fine; that the 'had no Power to do that, but that he mus 'Treat with certain Commissioners appointe 'for that Purpose, and Compound with them 'He told their Lordships, that they had neve 'met such Contradictions of Crimes in the same 'Men; and who could have expected that in one 'charge they should have the Mettle to 'usurp the Power, and to exercise the Jurisdi 'ction of the Highest Court, the Court of Par 'liament, and presently to want the Spirit to 'do what was so restrained and peculiar to their 'Places, and such as none else could do. They had 'not the *Power* to Fine; as if the whole Busines 'of Sworn Judges in a Court of Judicature was

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to Summon Men thither, and then to ſend them on Errands to other Commiſſioners for Juſtice: 'Twas true that the Commiſſions of 1 *Edw.* II. to *Tiptoffe* and *Berk*, and afterwards to others, were and had been to Compound with thoſe who deſired it, or otherwiſe that they had no Power to Compel or Fine any; that that Truſt by Law was, and was only in the Judge; ſo that if that Duty was the King's Right, and that the Perſons liable to it refuſed to Compound, the King, for any thing thoſe Judges could do, muſt loſe that Duty, for that they could impoſe no Fine: Only they had found a Trick, which they called *the Courſe of the Court*, to make his Majeſty a Saver. Let Perſons appear when they would, plead what they would, ſubmit to the Mercy of the Court, *Iſſues* ſhould go on ſtill, as if they had done neither, till they had done ſomewhat that the Court would not order them to do, nor was bound to take Notice of when they had done. That their Lordſhips were to help them out of that Circle; and that they might ſee how incapable the Judges were of any Excuſe in that reſpect, the very *Mittimus* out of Chancery expreſly Commanded them, among other Things, *ut fines omnium eorum qui juxta Proclamationem prædict. ordinem antè prædict. diem ſuſcepiſſe debuerant, Capiatis, &c.* It was worth their Lordſhips Obſervation, that that Misfortune commonly attended (and might it ever) thoſe abſolute, diſuſed Rights; that let the thing in itſelf be in ſome Meaſure lawful, the Adviſers and Miniſters of it ſo failed in the Execution, that as it uſually proved Grievous to the Subject, ſo by ſome Circumſtances it proved as Penal to the Inſtruments, as if it were in the very nature

1641.

1641. 'nature of the Thing, againſt the Laws of 'the Government.

'He told their Lordſhips in what Dreſs of 'Unjuſtice, Subtilty and Oppreſſion, he very 'unwillingly was forced to preſent thoſe Judges 'before them; that if they appear'd to their 'Lordſhips under any other Character of known 'and confeſſed Learning in the whole Courſe of 'their Lives, their Lordſhips were only to judge 'how far that aggravated their Faults: That if 'under the Excuſe of Ignorance, or but little 'Knowledge in the Duties of their Places, their 'Lordſhips would eaſily conclude what infi-'nite Miſchief, of which their Lordſhips, 'had no particular Information, the Sub-'jects had ſuffered in their Lives and Fortunes 'under ſuch Ignorance and Preſumption: That if 'under the Reputation of Prudence and Integrity 'in all Caſes, except thoſe preſented to their 'Lordſhips, they would at leaſt concur with the 'Opinion the *Lacedemonian* had of the *Athenians*; *that if they carried themſelves well formerly, and ill now, they deſerved a double Puniſhment, becauſe they were not Good as they had been, and becauſe they were Evil as they had not been.*

'That if the excellent and envied Conſtitution 'of the Government had of late been Sick, their 'Lordſhips ſaw the Cauſe of it; that if the 'ſweet Harmony between the King's Protection 'and the Subjects Obedience had unluckily ſuf-'fered Interruption; that if the Royal Juſtice 'and Honour of the beſt of Kings had been 'miſtaken by his People; that if the Duty and 'Affection of the moſt faithful and loyal Nation 'had been ſuſpected by their Gracious Sovereign; 'that if by theſe Miſrepreſentations and Miſun-'derſtandings the King and People had been 'robbed of the delight and Comfort of each o-'ther

'ther, and the Bleſſed Peace of the Iſland ſhaken 1642.
'and frighted into Tumults and Commotions,
'into the Poverty, tho' not into the Rage, of War,
'as a People prepared for Deſtruction and De-
'ſolation: Theſe were the Men that Actively or
'Paſſively, by Doing and not Doing, had brought all
'that upon them: *Miſera ſervitus falſo pax vo-*
'*catur, ubi Judicia deficiunt, incipit bellum.* This ſaid, he concluded that he was Commanded by the Houſe of Commons to deſire their Lordſhips that thoſe Three Judges might be ſpeedily required to anſwer theſe Impeachments, and that ſuch further Proceedings might be had againſt them as the Method and Juſtice of Parliament would admit.

The King ſome time after his Return from *Scotland* being reſolved to make the Lord *Falkland* Secretary of State, and Sir *John Colepepper* Chancellor of the Exchequer, the Lord *Falkland* was mightily ſurprized at the firſt Intimation of it. Mr. *Hyde*, who was in moſt Credit with him, found it a difficult Task to perſuade him to ſubmit to the King's Purpoſe chearfully, by aſſuring him that in the moſt Laborious Parts of his Office he would aſſiſt him the beſt he could; but above all, he ſet before him the ill Conſequence of his Refuſal, which would be imputed to his Diſlike of the Court, as if more would be required of him than his Conſcience would ſuffer him to comply with. On the other Hand, the great Advantage the King would probably reap by his Promotion in ſuch a general Defection, was ſuch, that he could thereby have an Opportunity of giving the King a juſter Information of his own Condition, and that of the Kingdom, than 'tis to be ſuppoſed had of late been given him; beſides, he would be better able to ſerve the

1642. King in the Houſe, where he was too well known to have it thought he attained his Promotion by any unworthy Means, or ſiniſter Application. At laſt he was prevailed with to ſubmit to the King's Pleaſure.

The King reſolved at the ſame time to remove another Officer that abuſed him moſt ſhamefully, and prefer Mr. *Hide* to his Place, who poſitively refuſed it, and aſſured his Majeſty, 'That he could do him better Service as he was; that he had the Honour to 'be very intimate with the Two Perſons 'his Majeſty had ſo ſeaſonably advanc'd, and 'by his Converſation with them ſhould be 'ſo well inſtructed, that he could be more uſeful 'to his Service than if he was under a nearer 'Relation to it. The King, with a Gracious Countenance, replied, 'He found he muſt for 'ſome time defer the Deſire he had of obliging 'him, but aſſured him he would both find a 'proper Time, and ſuitable Promotion for 'him, which he ſhould not refuſe. In the 'mean time he wiſh'd thoſe Three would conſult 'together, how to manage his Affairs in the 'Houſe; and declared he would do nothing 'that concerned his Service in the Houſe of 'Commons but by their joint Advice; tho' in a few Days he unfortunately ſwerved from it.

About this time, or a little before it, among other Grievances of the Nation, the Illegal Proceedings of the Earl Marſhal was had up by the Commons, and Mr. *Hide* having had a Conference with ſome other of the Members about it, he ſpake very ſmartly and ingeniouſly to it in the Houſe; calling thoſe Proceedings a Piece of Pageantry. He ſet out the Illegality of them, and the Vexation wrought to the Subject by attendance

tendance and Expence, many times for a hasty Word, whereof the Law of *England* took no Notice, nor gave any Damage; that yet in this Court People were summoned, and were injuriously treated: Then mov'd the House to declare their Sense of those Proceedings; and being seconded therein, the House voted, that the Court and their Proceedings were Illegal, and a Grievance. 1642.

But the time was now hastning, when Mr. *Hide* finding that things were carried to too great an Extream in the House of Commons, he began thoroughly to espouse the Royal, as the Juster, Cause, whereas the Lord Keeper *Littleton* in the House of Lords silently suffering all Matters to be carried to the Prejudice of His Majesty, and using too great a Complaisance towards the prevailing Party; Mr. *Hide*, who was much trusted by the King in the House of Commons, and had ever borne the Keeper a great Respect, was as much concerned at his Behaviour as any Man, and with great Freedom told him; how much he was fallen in the Esteem of all good Men, and that the King cou'd not but be highly displeas'd with him; and then discoursed upon the Matter of an odd Vote that had pass'd. Tho' he was ignorant how much the King did at that time trust Mr. *Hide*, he was not ignorant that his Majesty had a good Opinion of him; so that as soon as he had enter'd upon this Discourse, to which he was very attentive, he went to the Door, (they being by themselves in his Study at *Exeter-House*,) and finding some Persons in the next Room, he order'd them to withdraw, and locking both the Door of that Room and his Study, he begun with giving Mr. *Hide* many Thanks for his Friendship, which he cou'd not more manifestly esteem than by using freedom again with

1642. him, which he designed to do. Then he bewailed his own Condition; and that he had been advanc'd from the Common-Pleas, where he was acquainted with the Business and the Persons he had to deal withal, to an higher Office, which required him to deal with another Sort of Men, and in Affairs to which he was a Stranger; nor had he one Friend among 'em, with whom he cou'd confer upon any Difficulty that occurr'd to him. He spoke then of the unhappy State of the King's Affairs, how ill he was used by those about him, and said, 'They wou'd never do this if they 'were not resolved to do more; he foresaw it 'could not be long before a War wou'd break 'out in the Nation; and of what Importance in 'that Season the Great Seal should be with his 'Majesty; that no Man should be more willing 'to perish with and for his Majesty; the Pro-'spect of which Necessity had made him com-'ply so much with that Party, that there had 'lately been a Consultation, whether in Regard 'the King should send for him, or the Great Seal 'be taken from him, it were adviseable to keep it 'in some secure Place, which the Keeper should 'always receive upon Occasion, they having 'no Intent to disoblige him; the Knowledge 'of which had induced him to Vote, as 'he did in the late Debate, and by that Com-'pliance, which he knew wou'd give the King 'very ill Impressions of him, he had gained so 'much Credit with them, that he should be a-'ble to preserve the Seal in his own Hands, till 'his Majesty should demand it, and then he 'wou'd be ready to wait on the King with 'it.

Within a few Days after the King, then at *York*, sent an Order to the Lord *Falkland* to demand the Seal from him. His Majesty wish'd

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'em (for the Chancellor of the Exchequer and Mr. *Hide* were always included in such References) to consider, whether they thought the Lord Chief Justice *Banks*, or Mr. *Selden*, were the most proper for it. Hereupon Mr. *Hide* told 'em of his Conference with the Keeper, and what Professions he had made, and was very positive he wou'd punctually perform it, and therefore proposed, That when they sent their Opinions of the other Persons, they wou'd advise his Majesty rather to write kindly to the Lord Keeper to bring the Seal to him, than send for the Seal itself, and lay him aside. To this, after some Doubts, the other Two consented, and their Letters were dispatch'd away that very Night. The King was mov'd with their Reasons, and glad to find Mr. *Hide* so confident of the Keeper, but still continued doubtful, and resolved to send both for him and the Seal, upon a *Saturday* in the Afternoon, because then there cou'd be no Notice taken of it till *Monday*. Mr. *Hide* continued to visit the Keeper frequently, and finding him firm to his Purpose, and of Opinion, in regard of the high Temper the House was in, that it cou'd not be delayed, he told him, 'Next Week he might expect a Messen-'ger; that he wou'd once more wait upon him, 'and tell him the Day, and would then set out 'himself before him for *York*; with which he was much pleased, and the Keeper actually followed him. Mr. *Hide* from henceforward continued with the King, whom he served with utmost Application and Fidelity; and indeed His Majesty found him very useful to him, not only in his Council, but also in drawing his Declarations and Replies to the Parliament from time to time. All things tending furiously towards a Civil War, Sir *Edward Hide* (his Majesty having now thought first to Confer the Honour of Knight- 1642.

1642. hood upon him) attended him to *Nottingham*, where on the 23d of *August* the Standard was ſet up, and the Action, as Sir *Edward* himſelf owns, was attended with ſuch Omens as foreboded no good to the Cauſe. The Parliament were ſo incenſed with Sir *Edward*'s leaving them, and eſpouſing the King's Quarrel, that in their Inſtructions to their General, the Earl of *Eſſex*, they excepted him, among a few others, from any Grace and Favour from them.

Sir *Edward Hide* being a Gentleman of the Gown, and not of the Sword, it was not his Province to fight as a Soldier, and for that Reaſon there cannot be ſo much mention made of him, 1644. as of ſome others, in the Courſe of the Civil War, which however he has Excellently well deſcrib'd in his Hiſtory of thoſe Times; but when the Treaty of *Uxbridge* was ſet on foot between the King and Parliament, Sir *Edward Hide*, ſome time before made Chancellor of the Exchequer, in the room of the Lord *Colepepper*, Created Maſter of the Rolls, was conſtituted one of the Commiſſioners by his Majeſty; but when his and the others Names were return'd to *Weſtminſter*, the Parliament made a ſcruple againſt the Additions and Appellations of Titles made to the Names of Sir *Edward*, and ſome others, and after long Debate they were contented to inſert their Names in their ſafe Conduct, without their Honours, or Offices; and they were ſo Angry with the Chancellor of the Exchequer, that they had no Mind that he ſhould be ſtiled a Knight, becauſe he was not ſo when he left the Parliament: But the *Scotiſh* Commiſſioners prevail'd in that Point, ſince they had not yet pretended to take away the Uſe of the King's Sword from him: So they allow'd him, by a Majority of Votes, to be a Knight, and

and ſent their Safe Conduct, in the manner aforementioned, to *Oxford*: The Treaty began in the beginning of *February*, but as to the Particulars thereof we ſhall confine our ſelves only to the Share Sir *Edward Hide* had only in it; and therefore it's to be Noted, that upon the firſt entring upon it, the Earl of *Lowden*, Chancellor of *Scotland*, viſited the Duke of *Richmond* privately in his Chamber, and was very willing to have private Conference there with the Chancellor of the Exchequer; upon which the Duke, who knew well the other would not decline it, ſent to him, and he upon Notice preſently went to the Duke's Chamber, where he found them both; and after ſome ſhort Compliments, *the Earl told him how ſtoutly he had defended his Knighthood; which the Parliament had reſolved to have denied, if he had not convinced them. Then he diſcourſed of the great Prejudice the Parliament had againſt him, as a Man who more induſtriouſly oppos'd Peace than any other of the King's Council; that he had now a good Opportunity to wipe off all thoſe Jealouſies, by being a good Inſtrument in making this Peace, and by perſwading his Majeſty to comply with the Deſires and Supplications of his Parliament; which he hoped he would be.* The Chancellor told him, 'That the King did ſo much 'deſire a Peace, that no Man need adviſe him 'to it, or could divert him from it, if fair and 'honourable Conditions of Peace were offer'd 'to him; but if a Peace could not be had, but 'upon ſuch Conditions as his Majeſty judged in'conſiſtent with his Honour, or his Conſcience, 'no Man could have Credit enough to per'ſwade him to accept it; and that for his own 'Part, without reflecting upon the Good and 'Ill Opinion the Parliament might have of him, 'he

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1644. ‘ he would diſſwade him from conſenting to it. The other ſeem'd diſappointed in his ſo poſitive Anſwer; yet, with great Freedom, enter'd upon Diſcourſe of the whole Matter; and, after ſome kind of Apology, that *Scotland* was ſo far engaged in the Quarrel, contrary to their former Intentions and Profeſſions, he did as good as conclude, ‘ that ‘ if the King would ſatisfie them in the Buſineſs ‘ of the Church, they would not concern themſelves in any of the other Demands. In which Propoſition, finding no kind of Compliance from the Chancellor of the Exchequer, but ſharp Proteſtations againſt the Demands, as inconſiſtent with Conſcience, Juſtice, or Religion, the Conference broke off without any Inclination in either of them to renew it. But from that time there was more Contradiction and quick Repartees between them Two throughout the Treaty, than between any other of the Commiſſioners. The Debates began with the Church, and after the Eccleſiaſticks had ſaid what they thought fit about the Affair, when the laſt of the Three Firſt Days was paſt, and that the *Scotiſh* Commiſſioners obſerv'd that nothing was conſented to which they expected, the Chancellor of *Scotland* enter'd into a long Diſcourſe againſt Biſhops, ‘ of the late Troubles in *Scotland*, and ‘ of the preſent Troubles in *England*: He remember'd, ‘ that the Arch biſhop of *Canterbury* had purſued the Introduction of the Lyturgy and the Canons into *Scotland* with ſo ‘ great Vehemence, that when it was deſired ‘ that the publiſhing them might be ſuſpended ‘ for one Month, that the People might be the ‘ better prepared to ſubmit to what they had ‘ not been before acquainted with, he wou'd by ‘ no Means conſent to that delay, but cauſed ‘ it to be enter'd upon the next *Sunday*, againſt

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the Advice of many of the Biſhops themſelves; 1644.
which put the People into ſuch a Fury that they could not be appeaſed. He lamented and complain'd, that Three Days had been now ſpent in Fruitleſs Debates; and that though their Divines had learnedly made it appear, that Epiſcopacy had no Foundation in Scripture, and that it might be lawfully taken away; and that notwithſtanding it was evident that it had been the Cauſe of great Miſchief, and the Wiſdom of Parliament had thought the utter taking it away to be abſolutely neceſſary for the Preſervation of the Kingdom, their Lordſhips were ſtill unmoved, and had yeilded in no one Particular of Importance to give them Satisfaction; from which they could not but conclude, that they did not bring that Hearty Inclination to Peace which they hoped they would have done; and ſo concluded with ſome harſher Expreſſions than were expected.

WHEREUPON the Chancellor of the Exchequer, not without ſome Commotion, ſaid, 'that he did not wonder that their Lordſhips, 'who had for ſome Years been accuſtomed to 'ſuch Diſcourſes, and the more inclin'd to ſuppoſe all that was confidently ſaid to be reaſonably ptov'd, and having not been uſed to converſe with any Perſons of a contrary Opinion, 'had been brought to conſent and approve thoſe 'Alterations which they had propoſed; but 'that it ſeemed very admirable to him that 'their Lordſhips could expect or imagine it 'poſſible, that they who never had heard ſuch 'things ſaid before, nor could underſtand in ſo 'little time what had been now ſaid, ſhould 'depart from a Faith, and Form of Worſhip, 'in which they had been Educated from their 'Cradle; and which, upon ſo long Obſervati-

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1644. 'on, and Experience, they looked upon with all poſſible Approbation and Reverence, upon only hearing it inveighed againſt Three Days; which would have been much too little time to have warranted a Converſion from much leſs Important Opinions they had ſo long entertain'd; though their Arguments had as much weight as they wanted. He ſaid, They were of Opinion, that all thoſe Miſchiefs and Inconveniencies which they had mention'd, had in Truth proceeded from an over vehement Deſire to overthrow Epiſcopacy, not from the Zeal to ſupport it: That if the Archbiſhop of *Canterbury* had been too precipitate in preſſing the Reception of that, which he thought a Reformation, he paid dearly for it; which made him the more wonder that they ſhould blame them for not ſubmitting to much greater Alterations, than were at that time propos'd, in Three Days, when they reproached them for not having given them a whole Month to conſider of it. He ſaid, 'He might aſſure their Lordſhips with great Sincerity that they were come thither with all imaginable Paſſion and Deſire that the Treaty might conclude in a happy and bleſſed Peace, as he ſtill hoped it would; but if it ſhould be otherwiſe, that they would ſtill believe their Lordſhips brought with them the ſame Honourable and Pious Inclinations, though the Inſtructions and Commands from thoſe who truſted them reſtrain'd them from conſenting to what in their own Judgments ſeem'd reaſonable. And ſo, without any manner of reply, both Sides aroſe, and departed.

As to the Buſineſs of the *Militia* Sir *Edward Hide* was a great Stickler, and poſitively inſiſted it was of Right in the King; and when the Parliament's

liament's Commissioners entred upon the Affairs of *Ireland*, and the Mismanagement wherewith they charg'd his Majesty, the King's Commissioners prepared and deliver'd an Answer in Writing to all their Demands; and the Chancellor of the Exchequer by Appointment enlarged upon the Particulars, which proved the Councils that had been taken just and necessary. This he did so particularly and convincingly, that those of the Parliament were in much Confusion, and the King's Commissioners much pleased. He put them in mind of 'their bringing those very 'Troops, which were levied by the King's Au- 'thority for the Suppression of the Rebellion in '*Ireland*, to fight against the King at *Edge-Hill*, 'under the Command of the Earl of *Essex*; of 'their having given over the Prosecution of that 'War, or sending any Supply of Arms, Money 'or Ammunition thither; having imployed 'those Magazines which were provided for 'that Service against his Majesty; insomuch 'as the Privy Council of that Kingdom had 'sent to his Majesty, that he would provide 'some other Way for the preservation of that 'Kingdom, since they could not be able to sup- 'port the War any longer against the United 'Power of the Rebels: That all Overtures, 'which his Majesty had made towards Peace 'had been rejected by the Parliament; and One 'Hundred Thousand Pounds, brought in by the 'Adventurers for *Ireland*, had been sent in One 'entire Sum into *Scotland*, to prepare and dis- 'pose that Kingdom to send an Army to invade 'this, which they had done, and till then his 'Majesty had not, in the least degree, swerved 'from the observation of that Act of Par- 'liament. But when he saw that the Parliament, 'instead of prosecuting the End and Intention of 'that Statute, applied it wholly to the carry- 'ing 1644.

1644. ing on the War againſt himſelf, he thought himſelf abſolv'd before God and Man, if he did all he cou'd to reſcue and defend himſelf againſt their Violence, by making a Ceſſation with the Rebels in *Ireland*, and by drawing over ſome Regiments of his own Army from thence to aſſiſt him in *England*: Which Ceſſation had hitherto preſerved the Proteſtants of that Kingdom, who were not able without Supplies to preſerve themſelves from the Strength and Power of the Rebels; which ſupplies his Majeſty could not, and the Parliament would not, ſend; and therefore if the Proteſtants there ſhould hereafter be oppreſſed by the Rebels, who every Day procured aſſiſtance from abroad, and ſo were like to be more Powerful, all the Miſchiefs and Miſery that muſt attend them, would, before God and Man, be put to the Account of the Parliament, which had defrauded them of thoſe Supplies, which, by his Majeſties Care, had been raiſed, and provided for them; and not to his Majeſty, who had done nothing but what he was obliged to do for his own Preſervation; and if he had not ſent for thoſe Soldiers from *Ireland*, they could not have ſtaid there without a Supply of Money, Cloaths, and Proviſions, which the Parliament had not yet ſent to that Part of the Army which remain'd there, and which could by no other Way have ſubſiſted, but by the Benefit and Security of the Ceſſation. He told them, that all this unjuſtifiable Way of proceeding, though it had compelled the King to yeild to a Ceſſation, yet could not prevail with him to make a Peace with the *Iriſh* Rebels, from whom he had admitted Commiſſioners to attend him with Propoſitions to that Purpoſe; but

'but that when he found thoſe Propoſitions 1644.
'and Demands ſo unreaſonable, that he cou'd
'not conſent to them in Conſcience, and that
'they were inconſiſtent with the Security of
'his Proteſtant Subjects there, he had totally
'rejected them, and diſmiſſed their Commiſſio-
'ners with ſevere and ſharp Animadverſions:
'Yet that he had given his Lieutenant and
'Council there Authority to continue the Ceſ-
'ſation longer, in hopes that the Rebels there
'might be reduced to better Temper; or that
'his Majeſty might be enabled by a happy
'Peace here, which he hoped this Treaty
'would produce, to chaſtiſe their odious and
'obſtinate Rebellion: And if the Parliament
'would yet give his Majeſty ſufficient Caution
'that the War ſhould be vigorouſly proſecuted
'there againſt the *Iriſh*, by ſending over ſtrong
'Supplies of Men and Money, he would put
'an End to that Ceſſation without declaring it
'to be void, which otherwiſe he could not in
'Juſtice do, and the doing whereof would be
'to no Purpoſe.

THO' theſe Recrimations had little Appearance of a Peace to enſue, yet the Earl of *Pembroke*, one of the Parliament's Commiſſioners, returning a Viſit late one Night to the Chancellor of the Exchequer, all his Diſcourſe tended to perſwade him to think it reaſonable to conſent to all that the Parliament had demanded; but all in vain, and a manifeſt Coldneſs and Reſervedneſs begun now to creep in between the Commiſſioners on both Sides, and ſo continued to the End of the Treaty.

NOT long after the Treaty was broke up, and the King's Commiſſioners were returned to *Oxford*, the King thought fit to ſend the Prince of *Wales* into the Weſt to have a Superintendency

1645. cy over the Affairs of thoſe Parts, and the Chancellor of the Exchequer, together with the Lords *Capel*, *Hopton* and *Colepepper*, were appointed by his Majeſty to attend his Highneſs, and to be of his Council: He ſerv'd the Prince with utmoſt Application and Fidelity, tho' perhaps often without equal Succeſs, a great many unforeſeen Rubs and Difficulties ariſing, which the Paſſions of ſome, and the Prejudices and Weakneſs of others, did produce. The King's Affairs after the Fatal Battle of *Naſeby* declining apace, and his Majeſty being come to *Ragland* in *Wales*, he ſent an Expreſs to the Prince, by which he wiſhed 'that the Lord *Colepepper*, 'and the Chancellor of the Exchequer, might 'aſſoon as was poſſible attend his Majeſty. The Chancellor being unfit to travel by reaſon of the Gout, the Lord *Colepepper* made all poſſible haſte out of *Cornwal*, where the Prince then was, and found his Majeſty at *Cardiff*, and waited on him to *Brecknock*; from whence he was again diſpatched with a Letter dated *Aug.* 5th to the Prince; importing, that whenever he 'found himſelf in apparent Danger of falling in-'to the Rebels Hands, that he ſhould convey him-'ſelf into *France*, and there to be under his 'Mother's Care; who was to have the abſolute, 'full Power of his Education in all things, 'except Religion.

Upon the Receipt and Peruſal of this Letter, the Lords *Capel*, *Hopton*, and Chancellor of the Exchequer, (who generally drew up the Forms,) had Two or Three ſad Debates between themſelves, and agreed upon 'a Letter to be pre-'pared in Cipher, preſenting their Reaſons, 'and what they had been inform'd concerning '*France*, and therefore offer'd it to his Ma-'jeſty, whether he would not leave the Choice

'of

of the Place to them, or nominate ſome other, againſt which ſo many Exceptions might not be made; and propoſed *Ireland*, (if the Peace were made there,) or *Scotland*, if the Marquiſs of *Montroſs* was as Victorious as he was reported to be; withal aſſuring his Majeſty, that, in caſe of Danger, they would run any Hazard, or into any Country, before the Prince ſhould fall into the Hands of the Enemy. 1645.

The King on his Part by repeated Letters was for the Prince's going out of the Kingdom to *France*, *Denmark* or *Holland*: And being in his laſt of the 7th of *December* poſitive for his departure, the Chancellor of the Exchequer and the reſt of the Council were much troubled at it, and upon the whole Matter they were unanimouſly of Opinion, 'that the Relief of *Exeter* was to proceed 'in the manner before agreed on, and that the 'Prince's Perſon was to be preſent at it: And therenpon ſent an Expreſs to the King, with a Diſpatch ſign'd by the Four who were truſted, a Duplicate whereof was ſent by another Expreſs the next Day, in which they preſented a clear State to his Majeſty of his Forces, and the Hopes they then had of improving their Condition by the Prince's Preſence; of the Condition of *Exeter*, and of the Strength, as they conceiv'd, of the Enemy before it; and of the Inconveniency, if not the Impoſſibility, of obeying his Majeſty at that time. They farther inform'd his Majeſty of 'the great In-'diſpoſition that they perceiv'd in all the Ser-'vants towards his Highneſs leaving the King-'dom; and that the Jealouſie was ſo great of 'his going into *France*, that they had reaſon to 'believe, that many who were very Faithful, 'and tender of his Safety, would rather wiſh

'him

1645. 'him in the Hands of the Enemy, than in that 'Kingdom; and therefore, when the time of 'Neceſſity ſhould come (which they aſſured 'his Majeſty they would with any Hazard 'watch and obſerve) they muſt prefer the 'continuing him ſtill within his Majeſty's own 'Dominions, and ſo to waft him to *Scilly* 'or *Jerſey*, and from thence conclude what 'was to be done farther. They preſented likewiſe their humble Opinion to him, 'that in 'caſe he ſhould be engaged in a Perſonal Trea-'ty at *London*, how inconvenient it might be, 'without the Privity of thoſe Councellors, 'whom he was then to truſt, to Tranſport 'the Prince, except in Danger of Surprizal, 'before the Iſſue of that Treaty might be diſ-'cern'd: Aſſuring his Majeſty, 'that nothing 'ſhould put his Highneſs's Perſon into the 'Hands of the Parliament but his Majeſty's 'own Commands; which they ſhould not re-'ſiſt in his own Dominions, nor they con-'ceiv'd any Body elſe, if he were out of 'them.

The King in his Letter of the 5th of *February* very much approved of the Steps the Chancellor and the reſt had taken, but the Parliament's Arms ſoon after prevailing almoſt every where, 1646. the Chancellor and the reſt concluded the Prince ſhould be tranſported to *Scilly*, where he ſafely arrived in *March*, and from thence by the Council's Advice (among whom the Chancellor was always in chief Regard) on the 17th of *April* was carried over unto *Jerſey*. The Queen all this time being very Sollicitous about the Prince's Safety and in Reality deſirous to have him with her in *France*, wrote a Letter to the Chancellor of the Exchequer, that the Lord *Colepepper* could Witneſs for her that

'ſhe

'she had patiently and at large heard all that 1646.
'he could say concerning the Condition of *Scilly* and all that had been proposed for rendring 'the Prince of *Wales* his Abode there safe, that 'yet she must confess to him, that she was so 'far from being satisfied in that Point, that she 'should not sleep in quiet until she should 'hear that the Prince of *Wales* should be re-'moved from thence. That it was confessed 'it was not sufficiently Fortified, and was Ac-'cessible in divers Places; and the Manning 'the Works would require a Thousand Men 'more than he had, or, for ought she could see, 'could procure; neither could the Chancellor 'be confident that the Loss of *Cornwal* might not 'suddenly have a Dangerous Influence upon that 'Garrison; most of their Soldiers being of 'that Country. That the Power of the Par-'liament at Sea was so great, that they could 'not rely upon the Seasonable and Safe Con-'veyance of such Proportions of Provisions, as 'so great a Garrison would require: That she 'had no need to remind him of what Impor-'tance to the King, and all his Party, the 'Safety of the Prince's Person was: That if he 'should fall into the Rebels Hands the whole 'would thereby become desperate; and there-'fore she importunately conjured him to intend 'that Work as the principal Service he cou'd 'do to the King, her, or the Prince. *Colepep-'per* would tell him how she had strain'd to as-'sist him with present Provisions, Shipping, and 'Money, necessary for the Prince's Remove to '*Jersey*, where he should want nothing. Besides, 'for the Satisfaction of others, she had moved 'the Queen Regent to give Assurance, that if the 'Prince in his Way to *Jersey* should be necessita-'ted by contrary Winds, or the Danger of the

1646. 'Parliament Shipping to touch in *France*, he 'ſhould have all Freedom and Aſſiſtance from 'thence, in his immediate Paſſage thither; 'which was granted with great Chearfulneſs 'and Civility, and would be ſubſcribed under 'the Hands of the *French* King and Queen, her 'Brother, and Cardinal *Mazarin*; therefore 'ſhe hop'd all Scruples were now ſatisfied. 'That *Colepepper* was haſtening to them with 'good Frigots; but if he ſhould find any Dan-'ger before their Arrival, ſhe ſhould rely 'upon his Care not to omit any Opportunity to 'prevent that Danger, according to the Reſo-'lution in Council, which *Colepepper* hath ac-'quainted her with, for which ſhe thank'd 'him. That ſhe need not tell him how ac-'ceptable this Service would be to the King, who 'in every Letter preſſed her to write to him 'concerning his Son's Safety.

THE Prince upon the Lord *Colepepper*'s Arrival ſhewing ſome Inclination to and for *France*, the Chancellor of the Exchequer among others of the Council was very much averſe to it, urging to his Highneſs the Conduct of the *French* ſince the beginning of the Civil War; how it had been originally fomented, and afterwards countenanced by them; that there was no Evidence that at that time they were more inclined to him than to the Rebels; that it would be neceſſary they ſhould make ſome publick Declaration on his Majeſties behalf, before the Heir Apparent of the Crown ſhould put himſelf into their Hands. At laſt they prevailed with the Prince to ſend the Lords *Capel* and *Colepepper* again to the Queen, to preſent the Weightineſs of the Matter to her Majeſty, and gave them Inſtructions accordingly.

THE

THE Lord *Digby* about this time arriving in the Iſle of *Jerſey* from *Ireland*, and having uſed all the Arguments and Rhetorick he could to perſwade the Prince to go into that Kingdom with no great Succeſs, he then attacked the Chancellor of the Exchequer, with whom he had a particular Friendſhip, and lamented to him the loſs of ſuch an Occaſion, which would inevitably Reſtore the King, who would be equally ruin'd if the Prince went into *France*; of which he ſpoke with all the Deteſtation imaginable; and ſaid, he was ſo far ſatisfied in his Conſcience of the Benefit that would redound from the one, and the Ruin which would inevitably fall out by the other, that, he ſaid, if he with whom he held this Conference would concur with him, he would carry the Prince into *Ireland*, even without and againſt his Conſent. But the other anſwer'd, 'that it was not to be 'attempted without his Conſent; nor could 'he imagine it poſſible to bring it to paſs, if 'they ſhould both endeavour it. He replied, 'that he would invite the Prince on Board the 'Frigots he had to a Collation; and that he 'knew well he could ſo commend the Veſſels 'to him, that his own Curioſity would eaſily 'invite him to a View of them; and that aſſoon 'as he was on Board he would cauſe the Sails 'to be hoiſted up, and make no Stay till he 'came into *Ireland*: But the Chancellor was very angry with him for entertaining ſuch Imaginations; and told him, 'they neither agreed with his 'Wiſdom nor his Duty. 1646.

THE Lord *Digby* being not able to carry his Point as to *Ireland*, repair'd from *Jerſey* into *France*, where being brought quite to change his Mind in reſpect to the Place of the Prince's Removal, he haſtned back to *Jerſey*, uſed all

1646. the Means he could to perſwade the Chancellor of the Exchequer to concur in his Advice for the Prince's immediate Repair into *France*. He told him all that had paſſed between Cardinal *Mazarin* and him, not leaving out any of the Expreſſions of the high Value his Eminence had of his particular Perſon: That an Ambaſſador was choſen to go to *England* by his Advice, and his Inſtructions drawn by him, from no part of which the Ambaſſador durſt ſwerve; that a War would be preſently proclaimed upon the Parliament's Refuſal to do what the Ambaſſador required; and that there wanted nothing to the expediting that great Affair but the Prince's repairing into *France* without farther delay, there being no other queſtion concerning that Matter, than whether his Highneſs ſhould ſtay in *Jerſey*? Where there could be no queſtion of his Security, until he could receive expreſs Direction from the King his Father, and therefore he conjured his Friend to concur in that Advice, which would be very grateful to the Queen, and be attended with much Benefit to himſelf; telling him 'how kind her Majeſty was to him, and 'how confident ſhe was of his Service; and that 'if ſhe ſhould be of another Opinion it would 'not hinder the Prince from going, who, 'he knew, was reſolv'd to obey his Mo-'ther.

THE Chancellor told him, whatever the Prince would be diſpoſed to do he could not change his Opinion in Point of Counſel, until the King's Pleaſure might be known: He put his Lordſhip in mind, 'how he had been before deceiv'd at *Oxford* by the *Comte de Harcourt*, who was an Ambaſſador likewiſe, as ſhe then thought, named by themſelves, and

and whoſe Inſtructions he had likewiſe drawn; and yet he could not remember how foully that Buſineſs had been managed, and how diſobligingly he himſelf had been treated by that Ambaſſador; and therefore he could not but wonder that the ſame Artifices ſhould again prevail with him; and that he could imagine that the Inſtructions he had drawn would be at all conſider'd, or purſued, farther than they might contribute to what the Cardinal for the preſent deſign'd; of the Integrity whereof they had no Evidence, but had Reaſon enough to ſuſpect it. 1646.

THE King's Affairs growing worſe and worſe, the Prince at length reſolved to go for *France*, tho' Sir *Edward Hide*, and all his Council, ſave One, were againſt it, and excuſed their Attendance upon him thither; more particularly the Lords *Capel*, *Hopton*, and the Chancellor of the Exchequer, remain'd together in *Jerſey*, to expect the King's Pleaſure, and to attend a Conjuncture to appear again in his Majeſties Service; of all which they found an Opportunity to inform him, who very well interpreted all that they had done according to the Sincerity of their Hearts. Nay, ſome time after the Lord *Capel* went from *Jerſey* and waited on the King, then at *Hampton-Court*, and gave him a particular Account of all that paſſed at *Jerſey*, before the Prince's Remove from thence, and of the Reaſons which induced thoſe of the Council to remain ſtill there, and of many other Particulars, of which his Majeſty had never before been throughly inform'd, and which put it out of any Body's Power to do the Chancellor of the Exchequer any ill Offices: And from thence the King writ with his own Hand a very kind Letter to him at *Jerſey*, full of Hope

1647. ‘ that he ſhould ſhortly draw him, and ſome ‘ other of his Friends, to him. He thanked him ‘ for undertaking the Work he was upon, ‘ that is, Writing *the Hiſtory of the Civil War*, ‘ and told him he ſhould expect ſpeedily to re- ‘ ceive ſome Contribution from him towards it; and within a very ſhort time afterwards he ſent to him his own Memorials, (or thoſe which by his Command had been kept, and were peruſed and corrected by himſelf,) of all that had paſſed from the time he had left his Majeſty at *Oxford*, when he waited upon the Prince into the Weſt, to the very Day that the King left *Oxford* to go to the *Scots*.

SIR *Edward Hide* having ſpent about a Year and a half in *Jerſey*, (and that chiefly in compiling that Work,) and there being in the mean time ſeveral Riſings concerted in *England* in Favour of the Royal Cauſe, the Lord *Capel* writ him an Account of the Hopes he had of a good Conjuncture, and his own Reſolution to Embark himſelf in that Attempt, as ſoon as it ſhould be ripe; and ſignified the King's Command to him, that as ſoon as the Chancellor ſhould be required to wait upon the Prince, he ſhould without delay obey the Summons: And the King had likewiſe writ to the Queen very poſitively, that when it ſhould be neceſſary for the Prince to remove out of *France*, the Chancellor ſhould have notice of it, and be required to give his Attendance upon the Perſon of his Royal Highneſs, in the Condition he had formerly done. About the beginning of *May*,

1648. in the Year 1648, the Lord *Capel*, who had always correſponded with the Chancellor, and inform'd him of the State of Affairs, and all that concern'd himſelf, writ to him, that all Things were now ſo ripe, that he believ'd the Prince

Prince would not find it fit to remain longer in *France*; and thereupon conjured him that he would be ready, if he ſhould be ſent for, as he was confident he would be, to attend upon his Highneſs, which, he ſaid, all the King's Friends expected he ſhould do, and which he was reſolv'd to do as ſoon as the Prince ſhould be out of *France*, though he ſhould receive no Order or Invitation ſo to do. About the middle of that Month, the Queen, according to his Majeſties Command, ſent to the Chancellor of the Exchequer to *Jerſey*, commanding that he would wait upon the Prince in the *Louvre* at *Paris* upon a Day that was paſt before the Letter came to his Hands. But he no ſooner receiv'd the Summons than he betook himſelf to the Journey, and to tranſport himſelf into *Normandy*; where, after he was landed, he made what haſte he could to *Caen*, ſuppoſing he ſhould there find Secretary *Nicholas*, who had given him notice that he had receiv'd the ſame Command. When he came to *Caen* he found the Secretary's Lady there, but himſelf was gone to *Roan*, to the Lord *Cottington*, and intended to ſtay there till the other ſhould arrive, and to conſult together there upon their farther Journey. The Chancellor haſten'd to *Roan*, where he found the Lord *Cottington*, who had ſtill the Title and Precedency of Lord High Treaſurer of *England*, the Old Earl of *Briſtol*, and Secretary *Nicholas*, who were all his very good Friends, and very glad of his Arrival. They had receiv'd Intimation the Day before, that the Prince, with all his ſmall Train, was paſſed by towards *Calais*; and Direction was ſent, that the Chancellor, whom they ſuppoſed to be on the Way, and the reſt, ſhould ſtay at *Roan*, till they ſhould receive 1648.

1648. new Orders from *Calais*, where his Highneſs would take new Meaſures what he was to do.

THE Deſign of the King and Prince's Friends in *England* unhappily miſcarrying, and the Lord *Lauderdale* being ſent to his Royal Highneſs, now at the *Hague*, to invite him into *Scotland* in the Name of the Parliament of that Kingdom, the Matter was debated in the Prince's Council, of which the Chancellor of the Exchequer was one; and when *Lauderdale* had ſaid all he intended to the Matter, he ſate ſtill, as if he expected to hear what the Prince or any Body elſe would ſay to what he propoſed: Upon which it being moved, 'that if he had no more 'to ſay he ſhould withdraw, to the end that 'the Council might debate the Matter before 'they gave their Advice to the Prince; he took this Motion very ill, and ſaid, 'he was a 'Privy Counſellor to the King in *Scotland*, and 'being likewiſe a Commiſſioner from the Par-'liament, he ought not to be excluded from 'any Debate that concern'd the Affair upon 'which he was employed. He urged this in ſo imperious and offenſive a Manner, that drew on much ſharpneſs; and the Chancellor of the Exchequer, who knew him very well ſince the Treaty at *Uxbridge*, where they had often differ'd in Matters of the higheſt Importance, treated him with the ſame Liberty they had then been accuſtom'd to. He told him he meant not to ſay any thing in that Debate when he ſhould be withdrawn that he deſired ſhould be concealed from him, or unheard by him; and that he was ready to ſay, that, in his Judgment, all he had propoſed was very unreaſonable; but he would not that the Dignity

of

of the Board ſhould be proſtituted to his De- 1648.
mand, nor that he ſhould be preſent there at
any Debate.

THIS chafed *Lauderdale* to a high De-
gree, but the News of the Defeat of the Duke of *Hamilton* and the *Scots* Army at *Preſton* in *Lan-caſhire* arriving at the *Hague* in this Conjun-cture, broke all his Meaſures, ſo that he had little elſe to do now than to return Home; while there aroſe divers Janglings and Ani-moſities between ſome of the Prince's Council at the *Hague*, which Sir *Edward Hide* was ever intent and dexterous to Compoſe; more particularly he uſed all his Skill, Prudence and Diligence, to make up a Breach between Prince *Rupert* and the Lord *Colepepper*, and at laſt happi-ly effected it by bringing the latter to make his Submiſſion to the Prince.

Some time before King *Charles* I. was Barba-rouſly Beheaded, the Marquiſs of *Montroſs* re-tired out of *Scotland* into *France*, and being af-terwards come to *Bruſſels*, he ſent to the Young King a Tender of his Service, and to know, 'if 'his Majeſty thought his Attendance upon him might bring any Prejudice to his Majeſty; and if ſo, that he would ſend over the Chan-cellor of the Exchequer to *Sevenberg*, a Town in *Flanders*, where he was then to expect him, and had Matters to Communicate to 'him of much Importance to his Majeſty's Service. The King commanded the Chancel-lor preſently to go to him; and 'if he could, without exaſperating him, wiſhed he might be perſwaded rather for ſome time to ſuſpend his coming to the *Hague*, than preſently to appear there; which was an Injunction very diſagreeable to the Chancellor, who in his

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1649. Judgment believ'd his Majesty should bid him very Welcome, and Prefer him before any other of that Nation in his Esteem.

THEY met at last at a Village Three or Four Miles off the *Hague*, whither the Marquiss was come. They spent that Night together in Conference, and then next Morning the Chancellor prevailed with him, with great difficulty, that he would stay in that Place, which did not abound with all things desirable, or somewhere else, until he might give him Notice what the King's Sense should be of the Matters discoursed between them; insisting principally, that if his going into *Scotland* should be thought presently to be necessary, it would then be as necessary, that he should not be taken notice of publickly to have been with the King; with which Reason he seem'd satisfied.

The King finding he was but indifferently used by *France*, bethought himself of sending an Embassy into *Spain*, and pitched upon the Lord *Cottington*, and the Chancellor of the Exchequer, for that Service, commanding them to prepare their own Commission and Instructions, and to begin their Journey assoon as was possible.

IN the mean time there having been no Publick Instrument set out yet by the King with reference to *England* since the Murther of his Father; and most Men being of Opinion, that it was necessary for his Majesty to publish some Declaration, that he might not seem utterly to give over his Claim there; and to keep up the Spirits of his Friends, his Majesty proposed at the Council that there might be some Draught prepared of a Proclamation or Declaration, only with reference to the Kingdom of *England*; and the Chancellor of the Exchequer, who had been most conversant in

Instruments of that Nature, was appointed to make one ready; though he had declared, 'that 'he did not know what such a Declaration could 'contain, and therefore that he thought it not 'seasonable to publish any. However, he went on with it, tho' he met with many Obstructions and Difficulties; but after all, it was laid aside, and all his Trouble came to nothing. 1649.

I need not insist here upon the Difficulties the Chancellor and his Colleague laboured under to obtain Money for their Ambassy since the King himself was in such Streights; however, at last they took their leave of the King at the *Hague* before the middle of *May*, and had a Yatch from the Prince of *Orange*, that attended them at *Rotterdam*, and transported them with great Convenience to *Antwerp*, where the Chancellor's Wife and his Family were arrived Ten Days before, and were settled in a good and convenient House; where the Lord *Cottington* and he both lodged whilst they staid in that City. There they met the Lord *Jermyn* in his Way towards the King, to hasten the King's Journey into *France*, upon the Queen's great Importunity. After Two or Three Days stay at *Antwerp*, they went to *Brussels* to deliver their Credentials both to the Arch-Duke, and the Duke of *Lorrain*, and to Visit the *Spanish* Ministers, and upon their landing at *Brussels* they took it for a good Omen that they were assured, 'that *le Brune*, who had been one of 'the Plenipotentiaries at the Treaty of *Munster* 'on the behalf of the King of *Spain*, was then 'in that Town with Credentials to Visit the 'King, and to Condole with him. They had Audience the next Day of the Arch-Duke; perform'd the Compliments to him from the King, and inform'd him of their Ambassy into *Spain*,

1649. *Spain*, and desir'd his Recommendation, and good Offices in that Court; which he, according to his slow and formal Way of Speaking, consented to: And they had no more to do with him, but received the Visits from the Officers in his Name, according to the Stile of that Court. Their Business was with the Duke of *Lorain*, to procure Money for their Journey into *Spain*; and they used so much Address in the Affair, that he was brought to lend them Two Thousand Pistols for that Purpose.

ALL this while the Queen was so impatient to see his Majesty, that the Prince of *Orange*, and the Princess Royal, his Wife, were as impatient to give her that Satisfaction; and though her Majesty could not justly dislike any Resolution the King had taken, nor could imagine whither he should go but into *Ireland*, she was exceedingly displeased that any Resolution at all had been taken before she was consulted. She was angry that the Councellors were chosen without her Directions, and looked upon all that had been done as done in order to exclude her from meddling in the Affairs; all which she imputed principally to the Chancellor of the Exchequer: Nevertheless she was not pleas'd with the Design of the Negotiation in *Spain*. For though she had no Confidence of his Affection to her, or rather of his complying with all her Commands, yet she had all Confidence in his Duty and Integrity to the King, and therefore wish'd he should be still about his Person, and trusted in his Business, which she thought him much fitter for than such a Negotiation.

THE Queen-Mother upon the Arrival of the King at St. *Germains*, finding to her great Grief and Surprize that he was quite averse to her intermeddling with any of his Affairs, (which indeed was

was occaſion'd chiefly by one Mr. *Elliot*, who had a very powerful Aſcendant over his Majeſty, this kind of unexpected Behaviour made her begin to think, that this Diſtance, which the King ſeem'd to affect, was more than the Chancellor of the Exchequer could wiſh; and that there was ſome Body elſe, who did her more diſſervice: Inſomuch as to the Ladies who were about her, whereof ſome were very much his Friends, ſhe ſeem'd to wiſh that the Chancellor were come. In ſhort, after the Ambaſſadors had been a Day or Two at Court, the Chancellor of the Exchequer thinking it his Duty to ſay ſomewhat to the Queen in particular, and knowing that ſhe expected he ſhould do ſo, and the King having told him at large all that had paſſed with his Mother, and the ill Humour ſhe was in, and his Majeſty being very willing to underſtand what the Queen thought upon the whole, the Chancellor asked a private Audience, which her Majeſty readily granted. And after ſhe had gently expoſtulated upon the Old Paſſages at *Jerſey*, ſhe concluded with the mention of the great Confidence the King her Husband had always repoſed in him, and thereupon renewed her own Gracious Profeſſions of Good-will towards him. Then ſhe complained, not without Tears, of the King's Unkindneſs towards her, and of his Way of Living with her, of ſome Expreſſions he had uſed in Diſcourſe in her own preſence, and of what he had ſaid in other Places, and of the great Credit Mr. *Elliot* had with him, and of his rude Behaviour towards her Majeſty; and laſtly, of the incredible Deſign of making *Windham* Secretary; who beſides his other unfitneſs, ſhe ſaid, would be ſure to join with the other to leſſen the King's Kindneſs to her all they could. The 1649.

Chan-

1649. Chancellor, after he had made all the Profeſſions of Duty to her Majeſty which became him, and ſaid what he really believed of the King's Kindneſs and Reſpect for her, asked her whether ſhe would give him leave to take notice of any thing ſhe had ſaid unto him, or in general, that he found her Majeſty unſatisfied with the King's Unkindneſs? The Queen replied, that ſhe was well contented he ſhould take notice of every thing ſhe had ſaid; and above all, of his Purpoſe to make *Windham* Secretary: Of which the King had not made the leaſt mention, though he had taken notice to him of moſt other Things the Queen had ſaid to him.

THE Chancellor ſhortly after found an Opportunity to inform the King of all that had paſſed from the Queen, in ſuch a Method as might give him occaſion to enlarge upon all the Particulars. The King heard him very greedily, and proteſted, 'that he deſired nothing more 'than to live very well with the Queen; to-'wards whom he would never fail in his Duty, 'as far as was conſiſtent with his Honour, and 'the Good of his Affairs; which at preſent, it 'might be, required more Reſervation towards 'the Queen, and to have it believed that he com-'municated leſs with her than he did, or than he 'intended to do: That if he did not ſeem to 'be deſirous of her Company, it was only when 'ſhe griev'd him by ſome Importunities, in 'which he could not ſatisfie her; and that her 'Exception againſt *Elliot* was very unjuſt; and 'that he knew well the Man to be very honeſt, 'and that he loved him well; and that the Pre-'judice the King his Father had againſt him 'was only by the Malice of the Lord *Digby*, 'who hated him without a Cauſe, and had 'likewiſe inform'd the Queen of ſome Falſhoods,

'which

which had incenſed her Majeſty againſt him; and ſeem'd throughout much concerned to juſtifie *Elliot*, againſt whom the Chancellor himſelf had no Exceptions, but receiv'd more Reſpects from him than he paid to moſt other Men. 1649.

WHEN the Chancellor ſpoke of making *Windham* Secretary, the King did not own the having promiſed to do it, but 'that he intended to do it: The Chancellor ſaid, 'he was glad he had not promiſed it; and that he hoped he would never do it: That he was an Honeſt Gentleman, but in no degree qualified for that Office. He put him in mind of Secretary *Nicholas*, who was then there to preſent his Duty to him; 'that he was a Perſon of ſuch known Affection and Honeſty, that he could not do a more ungracious thing than to paſs him by. The King ſaid, 'he thought Secretary *Nicholas* to be a very Honeſt Man, but he had no Title to that Office more than another Man: That Mr. *Windham* had not any Experience in that Employment, but that it depended ſo much upon Forms, that he would quickly be inſtructed in it: That he was a very Honeſt Man, for whom he had never done any thing, and had now nothing elſe to give him but this Place, for which he doubted not but in a ſhort time he would make himſelf very fit. All that the Chancellor could prevail with his Majeſty was to ſuſpend the doing it for ſome time, and that he would hear him again upon the Subject before he took a final Reſolution. For the reſt, he promiſed to ſpeak upon ſome Particulars with the Queen, and to live with her with all Kindneſs and Freedom, that ſhe might be in good Humour.

IT

1649. IT being unneceſſary to give the Particul
of the Ambaſſador's Journey, it's ſufficient to o
ſerve, that being arrived at *Bayonne* about t
end of *October*, they had not been half a
Hour in their Lodging, conferring with the *En*
liſh Merchants about Conveniences to proſecu
their Journey, when the *Corregidor* came t
them, and deſired to ſpeak with them in privat
and after ſome Compliment and Apology, h
ſhew'd them a Letter, which he had received fro
the Secretary of State; the Contents where
were, 'that when the Ambaſſadors of the Prin
'of *Wales* ſhould arrive there, they ſhould b
'receiv'd with all Reſpect; but that he ſhoul
'find ſome Means to perſwade them to ſtay a
'remain there till he ſhould give the Kin
'notice of it, and receive his farther Pleaſur
And at the ſame time an *Engliſh* Merchant of t
Town, who had told them before that he ha
Letters from *Madrid* for them, and had gon
home to fetch them, brought them a Pacqu
from Sir *Benjamin Wright*, who was intruſte
by them to ſollicite at *Madrid* for their Paſ
and for a Houſe to be prepared for them, where
in their Paſs was incloſed, under the ſame Stil
as Ambaſſadors from the Prince of *Wales*: Thi
was an unexpected Mortification to them; but the
ſeem'd not to be troubled at it, as if they ha
intended to ſtay there a Month, to refreſh them
ſelves after their long Journey, and in expectatio
of other Letters from the King their Maſter. Th
Corregidor offer'd to ſend away an Expreſs th
ſame Night, which they accepted of; and the
writ to *Don Lewis de Haro*, 'that the Kin
'their Maſter had ſent them his Ambaſſadors t
'his Catholick Majeſty upon Affairs of th
'higheſt Importance: That they were come ſo
'far on their Way, but had, to their grea
'Wonde

'Wonder, met there with a Signification of 1649.
'that King's Pleaſure, that they ſhould ſtay and
'remain there till they ſhould receive his Ma-
'jeſties farther Orders; which troubled them
'not ſo much as to find themſelves ſtiled the
'Ambaſſadors of the Prince of *Wales*, which
'they thought very ſtrange, after his Catholick
'Majeſty had ſent an Ambaſſador to the King their
'Maſter before they left him: They deſired there-
'fore to know whether their Perſons were unac-
'ceptable to his Catholick Majeſty, and if that
'were the Caſe they would immediately return to
'their Maſter; otherwiſe, if his Majeſty were con-
'tent to receive them, they deſired they might be
'treated in that Manner as was due to the Ho-
'nour and Dignity of the King their Maſter.

Upon which they ſet out for *Madrid*, into which they were neceſſitated to enter *Incognito*, and lodged at firſt in Sir *Benjamin Wright*'s Houſe, who with all the Intereſt he had, and the Application he could uſe, could not procure them a Houſe to reſide in from the Government. They went to their Audience on Horſeback according to Cuſtom, where the Lord *Cottington*, as being Maſter of the *Spaniſh* Language, was the Spokeſman; and at laſt they had a Houſe provided for them in the *Calle de Alcala*, belonging to the Marquiſs of *Villa Magna*, to whom the King paid Four Hundred Pounds Sterling by the Year.

The Ambaſſadors after all Ceremonies were over having a private Audience of the King, they deſired, 'that he would appoint Com-
'miſſioners, with whom they might treat about
'the renewing the Alliance between the Two
'Crowns, which had been provided for by the
'laſt Treaty to be renew'd within ſo many
'Months after the Death of either King, and
'with whom they might likewiſe confer upon
'ſuch Relief of Arms and Money as his Ca-
'tholick Majeſty would think proper to ſend

1649. 'to their Master going into *Ireland*, (whither Sir *Edward Hide* desired to hasten his Journey assoon as might be; and in that Memorial, which they then delivered to his Catholick Majesty, they had desired likewise, that he would 'write to *Owen O Neile* to dispose him to submit to the King,) they received shortly after an Answer, sent to them by *Don Francisco de Melo*, who told them, 'that the King had sent 'him to them, to confer with them upon the 'Substance of their last Memorial. He said, 'the King did not think it necessary to appoint 'any Committee to renew the last Treaty of 'Peace, which was still in Force, and might 'well be observ'd between the Two Nations; 'and that the renewing might be deferr'd till 'the Times should mend; implying very little less than that when the King should be in *England* it would be a fit time to renew the Alliance. He said, 'he was ready to receive any 'Propositions from them, wherein they might 'more particularly set down their Desires, if 'they were ready to depart; and for writing 'to *Owen O Neile*, 'he had so misbehaved himself towards his Catholick Majesty, by leaving 'his Service in *Flanders*, and transporting himself into *Ireland* without his Licence, that his 'Majesty could not in Honour write to him; 'but that he would take such Care that he should 'know it would be agreeable to his Majesty's 'good liking; that he betook himself to the 'Service of the King of *Great Britain* without 'reserve, which he did believe would dispose 'him to it.

THIS Answer was Evidence enough to them, how little they were to expect from any avow'd Friendship from that Crown: However, while they impatiently expected to hear of the King, who

who was yet in *Jersey*, Prince *Rupert* came upon the Coast of *Spain* with the Fleet under his Command, which he had brought from *Ireland*, and sent a Letter on Shore to be sent to Sir *Edward Hide*, importing 'that 'he had brought away all the Fleet from '*Ireland*; and that he had receiv'd an As-'surance from *Portugal* that he should be very 'welcome thither; upon which he was resol-'ved, after he had attended some Days to meet 'with any *English* Ships that might be Prize, 'to go for *Lisbon*; and desired him to procure 'Orders from the Court, that he might find a 'good Reception in all Ports of *Spain*, if his 'Occasions brought him thither. The Ambassa-dors sent immediately for an Audience to *Don Lewis*; and all that they asked was granted without Hesitation; and Letters were dispatched away that very Night by several Expresses to all the Governours of the Ports; and for the fur-nishing them with any Provisions they should stand in need of, with as many Friendly Clauses as could have been inserted if the King had been in Possession of his whole Empire; and the Am-bassadors found they liv'd in another kind of Air than they had done, and receiv'd every Day Visits and Caresses from the Court, and from those in Authority. 1649.

But this Tranquility was soon over, by the Arrival of a Squadron of the Parliament's Fleet on the *Spanish* Coasts, which frighted the *Spa-nish* Court out of all the seeming Affection they had to the Royal Cause, while the King is now come to *Bredah*, being invited by Commissioners from *Scotland* to go into that Kingdom. His Ma-jesty instead of going to *Ireland*, as they expect-ed, gave Sir *Edward*, and his Colleague, notice of his Resolution to go into *Scotland*, and directed

1649. them to remain where they were till he could better judge of his own Fortune. They were extreamly troubled, both of them having always had a ſtrong Averſion that the King ſhould ever venture himſelf in the Hands of that Party of the *Scotiſh* Nation which had treated his Father ſo ill. And they were now neceſſitated to ſtay there, where they had receiv'd ſo little Encouragement, and had no Reaſon to expect more. They therefore reſolved to ſet the beſt Face they could upon it, deſired an Audience from the King; in which they told his Catholick Majeſty, 'that they had received Letters from the King 'their Maſter, who commanded them to inform 'his Majeſty, who, he knew well, would be 'glad to hear of any Good Fortune that befel 'him, that it had now pleaſed God to work ſo 'far upon the Hearts and Affections of his Sub-'jects of *Scotland*, that they had given over all 'thoſe Factions and Animoſities which had 'heretofore divided them, and made them ra-'ther Inſtruments of Miſchiefs, than Benefit to 'his Father, and to himſelf; that they were 'now ſenſible of all thoſe Miſcarriages, and 'had ſent unanimouſly to intreat his Majeſty to 'come into that Kingdom, and to take them all 'into his Protection; with which his Majeſty 'was ſo well ſatisfied, that he had laid aſide 'the Thoughts of tranſporting himſelf into *Ire-'land*, which he had intended to do, and was 'gone into *Scotland*; where the Kingdom was 'entirely at his Devotion, and from whence 'he could viſit *England* or *Ireland* as he found 'it moſt convenient: And that he had Reaſon 'to believe that his Friends in either of the 'Kingdoms would quickly appear in Arms, 'when they were ſure to be ſo Powerfully aſ-'ſiſted and ſeconded. And they ſaid, 'they 'would from time to time inform his Majeſty

'of

of the good Succeſs that ſhould fall out. The King profeſſed 'he was very glad of this good 'News, and that they ſhould aſſure the King 'their Maſter that he would be always ready 'to make all the Demonſtration of a Brotherly 'Affection that the ill Condition of his own 'Affairs would permit; and that if it pleaſed 'God to give a Peace to the Two Crowns, the 'World ſhould ſee how forward he would be 'to revenge the Wrong and Indignity the King 'of *Great Britain* had undergone. 1649.

'TIS certain the *Spaniſh* Court upon this Information had a better Opinion of the King's Affairs than at any time before; and the Uſage, Civilities and Favours the Ambaſſadors met with were pregnant Inſtances of it; but the Parliament ſending Mr. *Aſcham* to be their Agent in *Spain* was ſome new Mortification to them. However, he was no ſooner landed but they expoſtulated with *Don Lewis de Haro* with ſome warmth, 'that his Catholick Majeſty ſhould 'be the Firſt Chriſtian Prince that would receive 'an Ambaſſador from the Odious and Execrable Murtherers of a Chriſtian King, his Brother and Ally, which no other Prince had yet 'done, out of the Deteſtation of that horrible 'Parricide: and therefore they deſir'd him 'that *Spain* would not give ſo Infamous an Example to the other Parts of the World. *Don Lewis* aſſur'd them, 'that there was no ſuch 'thing as an Ambaſſador coming from *England*, 'nor had the King any Purpoſe to receive any: 'That it was true they were inform'd 'that there was an *Engliſh* Gentleman landed 'at *Cadiz*, and come to *Sevil*, who ſaid, he 'was ſent from the Parliament with Letters for 'the King, which was teſtified by a Letter from 'Don *Alonzo de Cardinas*, the *Spaniſh* Ambaſſador

1649. 'in *England* to the Duke of *Medina Celi*, who 'thereupon had given Order for his Entertain-'ment at *Sevil* till the King ſhould give further 'Order: That it was not poſſible for the King 'to refuſe to receive the Letter, or to ſee the 'Man who brought it, who pretended no kind 'of Character: That having an Ambaſſador re-'ſiding in *England* to preſerve the Trade and 'Commerce between the Two Nations, they 'did believe that this Meſſenger might be ſent 'with ſome Propoſitions from the *Engliſh* Mer-'chants for the Advancement of that Trade, and 'if they ſhould refuſe to hear what he ſaid, it 'might give a juſt Offence, and deſtroy all 'the Commerce, which would be a great 'Damage to both Nations.

THO' Sir *Edward Hide* and his Colleague were really diſturbed at the Arrival of *Aſcham*, yet his being Murdered preſently after in his Chamber at *Madrid*, by half a Dozen Men, *Engliſh* and *Iriſh*, whereof one *Harry Progers* by Name, was their Servant, made them extreamly uneaſie, and even under ſome Apprehenſions of their own Lives. Though they abhorr'd the Action that was committed, they foreſaw the preſence of one of their own Servants in it, and even ſome paſſionate Words they had uſed, in their Expoſtulation with *Don Lewis*, againſt the Reception of ſuch a Meſſenger, as if the King their Maſter had too many Subjects in that Place for ſuch a Fellow to appear there with any Security, would make it be believ'd by many that the Attempt had not been made without their Conſent or Privity. In this Anxiety of Mind they immediately writ a Letter to *Don Lewis de Haro*, to expreſs the Senſe they had of the Fact, of which, they hoped, he did believe, if they had had any Notice or Suſpicion, they would

would have prevented it. *Don Lewis* return'd them a very dry Anſwer; 'That he could not 'imagine that they could have a hand in ſo 'Foul an Aſſaſſination of a Perſon under the im- 'mediate Protection of the King: However, 'that it was an Action ſo unheard-of, and ſo 'diſhonourable to the King, that his Majeſty 'was reſolved to have it examined to the bottom, 'and that exemplary Juſtice ſhould be done up- 'on the Offenders: That his own Embaſſador 'in *England* might be in great Danger upon this 'Murther; and that they would ſend an Ex- 'preſs preſently thither, to ſatisfie the Parlia- 'ment how much his Catholick Majeſty deteſt- 'ed, and was offended with it, and reſolv'd 'to do Juſtice upon it; and if his Ambaſſador 'underwent any Inconvenience there, they were 'not to wonder if his Majeſty were ſevere 'here; but they knew the Temper of the Court too well to have the leaſt Apprehenſion of that: Yet they were a little ſurprized when they firſt ſaw a Multitude of People gather- ed together about their Houſe, upon the firſt News of the Action, inſomuch that the Street before their Houſe was ſo throng'd that Men could hardly paſs. But they were quickly out of that Apprehenſion, being aſſured, that the Jea- louſie that one of the *Engliſh* Ambaſſadors had ſuffered Violence had brought that Multitude together. 1649.

WHAT Artifice ſoever Sir *Edward Hide* and his Colleague uſed to Palliate the Defeat of the *Scotch* Army by *Cromwell*, the *Spaniſh* Court was not ſo eaſily to be put upon; and being heartily deſirous they ſhould be gone, the Secretary of State one Morning came to them from the King, and told them, that they had been now above a Year in that Court, where they had been well 1650.

1650. treated, notwithſtanding ſome Miſcarriages, which might very juſtly have incenſed his Catholick Majeſty, (mentioning the Death of *Aſcham*,) that they were extraordinary Ambaſſadors, and ſo needed not any Letters of Revocation; that they had received Anſwers to all they had propos'd, and were at liberty to depart; which his Catholick Majeſty deſired they would do, ſince their Preſence in the Court would be very prejudicial to his Affairs. This unexpected and unuſual Meſſage made them believe, 'that he had 'miſtaken his Meſſage, at leaſt that he had 'delivered it with leſs Courtly Circumſtances 'than he ought to have done; and therefore they return'd no other Anſwer, than that they would attend *Don Lewis de Haro*, and underſtand from him the King's Pleaſure.

IT ſignified nothing, he was as reſerved and little courtly as the other; be gone they muſt, tis time; the Lord *Cottington* reconciled himſelf to the Church of *Rome*, and ſtaid as a private Man in *Spain*, and Sir *Edward Hide* was diſmiſs'd very courteouſly: For when they heard that his Family remained at *Antwerp*, and that he intended to go thither, and ſtay there till he received other Orders from the King his Maſter, they gave him all Diſpatches thither which might be of uſe to him in thoſe Parts. The King of *Spain* himſelf uſed many gracious Expreſſions to him at his laſt Audience, and ſent afterwards to him a Letter for the Arch-Duke *Leopold*, in which he expreſſed the good Opinion he had of the Ambaſſador; and commanded that whilſt he ſhould chuſe to reſide in thoſe Parts under his Government, he ſhould receive all Reſpect, and enjoy all Priviledges as an Ambaſſador: And *Don Lewis de Haro* writ likewiſe to the Arch-Duke, and the Count of *Fuenſaldagna*, to look upon him

him as his particular Friend: All which Ceremonies, though they coſt them nothing, were of real Benefit and Advantage to the Ambaſſador: For beſides the Treatment he receiv'd from the Arch-Duke himſelf in *Bruſſels*, as Ambaſſador, ſuch Directions or Recommendations were ſent to the Magiſtrates at *Antwerp*, that he enjoyed the priviledge of his Chapel, and all the *Engliſh*, who were numerous then in that City, repair'd thither with all freedom for their Devotion, and the Exerciſe of their Religion; which Liberty had never been before granted to any Man there, and which the *Engliſh* and *Iriſh* Prieſts, and the Roman Catholicks of thoſe Nations, exceedingly murmur'd at, and uſed all the Endeavours they could to have taken away, though in vain. 1650

SIR *Edward* in his Paſſage through *France* waited upon the Queen Mother, who receiv'd him very graciouſly; and as he was always a ſtrict Adherer to the Proteſtant Religion, and the Church of *England* in particular, he had both Acceſs and an Opportunity to endeavour to be ſerviceable to it at this time, tho' without Succeſs. From the time of the Queen's being in *France* the late King had appointed a Chaplain of his own, Dr. *Coſins*, to attend upon her Majeſty for the conſtant Service of that Proteſtant Part of her Houſhold, the number of which was ſuperior to that of the Roman Catholicks; and the Queen had aſſign'd him a competent Support with the reſt of her Servants; and an under Room in the *Louvre*, out of any common Paſſage, had been ſet apart for their Morning and Evening Devotions. But now an Order was ſent from the Queen Regent, 'that that Room 'ſhould be no more apply'd to that Purpoſe; 'and that the *French* King would not permit the

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1650. ‘ Exerciſe of any other Religion in any of his ‘ Houſes than the *Roman* Catholick: And the Queen gave notice to the Chaplain, ‘ that ſhe ‘ was no longer able to continue the Payment of ‘ the Exhibition ſhe had formerly aſſign'd to ‘ him. The Proteſtants lamented this Alteration to the Chancellor of the Exchequer, and deſired him to intercede with the Queen, which he had the more Incouragement to do, becauſe, at his going into *Spain*, ſhe had vouchſafed to promiſe him (upon ſome Rumours, of which he took notice,) ‘ that the ſame Priviledge which ‘ had been ſhould be continued, and enjoyed ‘ by the Proteſtants of her Houſhold; and that ‘ ſhe would provide for the Chaplain's Subſiſtence. He therefore beſought her to conſider ‘ what ill Impreſſion this new Order would ‘ make upon the Proteſtants of all the King's ‘ Dominions, upon whom he was chiefly to depend for his Reſtoration; and how much Prejudice it might be to herſelf to be looked upon as a greater Enemy to Proteſtants than ſhe ‘ had been taken notice of to be; and likewiſe ‘ whether this Order, which had been given ‘ ſince the departure of the Duke of *York* for ‘ *Flanders*, might not be made uſe of as an Excuſe for his not returning, or indeed for his going away at firſt, ſince the preciſe time when ‘ it iſſued would not be generally underſtood. The Queen heard him very Graciouſly, and acknowledged ‘ that what he ſaid had Reaſon in ‘ it, but proteſted that ſhe knew not what Remedy to apply to it; that ſhe had been herſelf ſurpriz'd with that Order, and was troubled at it; but that the Queen Regent was ‘ poſitive in it, and blamed her for want of Zeal ‘ in her Religion; and that ſhe cared not to advance it, or to convert any of her Children.

She

She wiſh'd him 'to confer with Mr. *Mountague* upon it; and imply'd, 'that his Bigotry in his new Religion had contributed much to the procuring that Order. 1650.

Having ſaid this and a great deal more to the Chancellor, he then conferr'd with Mr. *Mountague* upon the Subject, and offer'd the ſame Reaſons which he had done to the Queen, which he looked upon as of no Moment; but ſaid, 'that 'the King of *France* was Maſter in his own Houſe, 'and he was reſolv'd, though the King of *Eng-* 'land himſelf ſhould come thither again, never 'to permit any Solemn Exerciſe of the Proteſtant Religion in any Houſe of his.

From *Paris* Sir *Edward Hide* went to his Family at *Antwerp*, from whence the King, after his Defeat at *Worceſter*, and Eſcape into *France*, Commanded him to repair to him; which whilſt he was providing to do, Mr. *Long*, the King's Secretary, who was at *Amſterdam*, and had been removed from his Attendance in *Scotland* by the Marqueſs of *Argyle*, writ to the Chancellor, 'that he had receiv'd a Letter from 'the King, by which he was requir'd to let all 'his Majeſty's Servants, who were in thoſe Parts, 'know, it was his Pleaſure that none of them 'ſhould repair to him to *Paris* until they ſhould 'receive farther Order, ſince his Majeſty could 'not yet reſolve how long he ſhould ſtay there: The Chancellor concluded that this Inhibition concern'd not him, ſince he had received a Command from the King to wait upon him. Beſides, he had ſtill the Character of Ambaſſador upon him, which he could not lay down till he had kiſſed his Majeſty's Hand. So he purſued his former Purpoſe, and went to *Paris*, and found that the Command to Mr. *Long* had been procured with an Eye principally upon him.

1651. himſelf, there being ſome there who had no mind he ſhould be with the King; though when there was no Remedy the Queen received him graciouſly. But the King was very well pleaſed with his being come, and for the firſt Four or Five Days he ſpent many Hours with him in private, and inform'd him of very many Particulars of the harſh Treatment he had received in *Scotland*, the Reaſon of his March into *England*, the Confuſion at *Worceſter*, and all the Circumſtances of his happy Eſcape and Deliverance.

NOW there being no publick Place of Worſhip allowed at *Paris* for the Members of the Church of *England*, the *French* Proteſtant Miniſters of *Charenton* preſſed the King to go to their Church, and were ſeconded by the Lord *Jermin* therein; but Sir *Edward Hide* diſſwaded his Majeſty from going thither with equal Earneſtneſs; and told him, 'that, whatever Countenance or Favour the Crown or Church of *England* had heretofore ſhew'd to thoſe Congregations, it was in a time when they carried themſelves with Modeſty and Duty towards both, and when they profeſſed great Duty to the King, and much Reverence to that Church; lamenting themſelves that it was not in their Power, by the oppoſition of the State, to make their Reformation ſo perfect as it was in *England*. And by this kind of Behaviour they had indeed receiv'd that Protection and Countenance from *England*, as if they were of the ſame Religion, though it might be the Original of that Countenance and Protection proceeded from another leſs warrantable Foundation, which he was ſure would never find Credit from his Majeſty. But whatever it was, that People now had not deſerv'd it from the King; for as ſoon as the Troubles

Troubles begun, the Hugonots of *France* had generally expreſſed great Malice to the late King, and very many of their Preachers and Miniſters had publickly and induſtriouſly juſtified the Rebellion, and prayed for the good Succeſs of it; and their Synod itſelf had in ſuch a Manner inveighed againſt the Church of *England*, that they, upon the Matter, profeſſed themſelves to be of another Religion, and inveighed againſt Epiſcopacy, as if it were inconſiſtent with the Proteſtant Religion. That one of their great Profeſſors at their Univerſity of *Saumur*, who was looked upon as a Man of the utmoſt moderate Spirit amongſt their Miniſters, had publiſhed an Apology for the general Inclination of that Party to the Proceedings of the Parliament of *England*, leſt it might give ſome Jealouſie to their own King of their Inclination to Rebellion, and of their Opinion that it was lawful for Subjects to take up Arms againſt their Prince; which, he ſaid, could not be done in *France* without manifeſt Rebellion, and incurring the diſpleaſure of God for the manifeſt Breach of his Commandments; becauſe the King of *France* was an abſolute King, independent upon any other Authority. But that the Conſtitution of the Kingdom of *England* was of another Nature; becauſe the King there was ſubordinate to the Parliament, which had Authority to raiſe Arms for the Reformation of Religion, or for the executing the Publick Juſtice of the Kingdom againſt all thoſe who violated the Laws of the Nation, ſo that the War might be juſt there, which in no Caſe could be warrantable in *France*. He added, that after ſuch an Indignity offer'd to him, and to his Crown, and ſince they had now made ſuch a diſtinction between the Epiſcopal and the Presbyterian Government, that they thought the Pro- 1651.

1651. Professors were not of the same Religion, his going to *Charenton* could not be without this Effect, that it would be concluded every-where that his Majesty thought the one or the other Profession to be indifferent; which would be one of the most deadly Wounds to the Church of *England* that it had yet ever suffered.

MOVED with these Reasons, the King positively declared he would not go to *Charenton*, for which many were very angry with the Chancellor, as an Implacable Enemy of the Presbyterians. However, the King now appointed him to make all Dispatches relating to *Scotland*; but Sir *Edward* foreseeing many Inconveniences that would attend him in this New Employment, earnestly intreated the King that he would not lay that Burthen upon him, or engage him in any part of the Counsels of that People. He put his Majesty in Mind of the continued avow'd Jealousie and Displeasure which that whole Party in that Nation ever had against him; and that his Majesty very well knew, that those Noble Persons who serv'd him best when he was in *Scotland*, and in whose Affection and Fidelity he had all possible Satisfaction, had some Prejudice against him, and would be troubled when they should hear that all their Secrets were committed to him. He told him that Trust would for ever deprive him of all hope of the Queen's Favour, who could not but discern it within Three or Four Days, and by the frequent Resort of the *Scotish* Vicar to him, that there was some Secret in hand which was kept from her; and she would as easily discover that the Chancellor was privy to it, by his Reading Papers to his Majesty, and his Signing them; and would from thence conclude, that he had perswaded him to exclude her Majesty from

from that Truſt, which ſhe would never forgive. 1651.
But the King inſiſting poſitively upon the Choice, Sir *Edward* ſubmitted himſelf to his Diſpoſal, and was truſted throughout that Affair; which had ſeveral Stages in the Years following, and did produce the Inconveniences he had foreſeen; and render'd him ſo unacceptable to the Queen, that ſhe eaſily entertain'd thoſe Prejudices againſt him, which thoſe ſhe moſt truſted were always ready to infuſe into her, and under which he was compelled to bear many Hardſhips.

HOWEVER for the preſent he appeared to have a ſhare in the good Opinion of her Majeſty; and there being a Propoſal now made to have the Duke of *York* Married to *Mademoiſelle de Longueville*. Whilſt his Majeſty was in Deliberation about it, all the Ways were taken to diſcover what Sir *Edward*'s Judgment was; and the Lord *Jermyn* ſpoke to him of it, as a Matter that would not admit any Doubt on the King's Part, otherwiſe than from the difficulty of bringing it to paſs, in regard the Lady's Friends would not eaſily be induced to give their Conſent. But the Chancellor could not be drawn to make any other Anſwer than, 'that it was 'a Subject ſo much above his Comprehenſion, 'and the Conſequences might be ſuch, that he 'had not the Ambition to deſire to be conſulted with upon it; and that leſs than the 'King's or Queen's Command ſhould not induce him to enter upon the Diſcourſe of 'it. Being thus ſhy, it was not long before the Queen ſent for him; and ſeeming to complain of the Importunity which was uſed towards her in that Affair, and as if it were not grateful to her, ask'd him, what his Opinion was of it? To which he anſwer'd, 'that he did not un'derſtand the Convenience of it ſo well as to

'judge

1651. 'judge whether it were like to be of Benefit
'the Duke of *York*: But he thought, that ne
'ther the King, nor her Majesty, should b
'willing that the Heir of their Crown shoul
'be Married before the King himself; or tha
'it should be in any Woman's Power to say
'that if there were but one Person dead sh
'should be a Queen.

'Whatever the Chancellor's real Sen
'timents were at this time, or wha
'Views he might have, I cannot determine; bu
'this is certain, that he did not always remai
'in this Opinion, but afterwards Marry'd hi
'own Daughter to the Duke before the Kin
'was provided of a Wife; but Times and th
Circumstances of Things alter, and so we shal
discant no further upon it, but observe tha
her Majesty seem'd to be moved, as if it ha
been a Consideration she had not thought o
before; and said with some warmth, 'tha
'she would never give her Consent that it shoul
'be so. However, this Argument was quickl
made known to the Duke of *York*, and severa
Glosses made upon it, to the Reproach o
the Chancellor: Yet it made such an Impressio
that there were then as Active Endeavours t
find a convenient Wife for the King himself, an
Mademoiselle, the Daughter of the Duke of *Orle*
ans, by his First Wife, who in the Right of th
Mother, was already possess'd of the Fair Inhe
ritance of the Dutchy of *Mompensier*, was thought
of. To this the Queen was much inclined, an
the King himself not averse; but Sir *Edward*
and the Marquiss of *Ormond* represented to th
King, 'that as it could Administer only som
'Competency toward his present Subsistence, s
'it might exceedingly prejudice his future
'Hopes, and alienate the Affections of hi
'Friends in *England*: That the Lady was elde
'than

'than he by ſome Years; which was an Exception amongſt Private Perſons, and had been obſerv'd not to be proſperous to the King: That his Majeſty muſt expect to be preſſed to thoſe Things in Point of Religion which he could never conſent to; and yet he ſhould undergo the ſame Diſadvantages as if he had conſented, by many Mens believing he had done ſo. They beſought him 'to ſet his Heart entirely upon the Recovery of *England*, and to indulge to nothing that might reaſonably obſtruct that, either by making him leſs intent upon it, or by creating new Difficulties in the purſuing it: The King diſcovered enough to let them ſee that he ſtood well enough inclined to the Overture itſelf; which gave them Trouble, as a thing that in many Reſpects was like to prove very inconvenient. 1652.

IN the Diſtreſs which the King ſuffer'd during his Abode in *France*, Sir *Edward Hide*'s Part was the moſt uneaſie and grievous. And the Queen's Diſpleaſure grew ſo notorious againſt him, that after he found by Degrees that ſhe would not ſpeak to him, nor take any notice of him when ſhe ſaw him, he forbore at laſt coming into her Preſence, and for many Months did not ſee her Face, though he had the Honour to lodge in the ſame Houſe, the Palace Royal, where both their Majeſties kept their Courts; which encouraged all who deſired to ingratiate themſelves with the Queen to expreſs a great Prejudice to him; and the Queen was not reſerved in declaring, that ſhe did exceedingly deſire to remove him from the King.

THIS Diſinclination towards him (as he himſelf has told us) produced, at one and the ſame time, a Contrivance of an odd Nature, and an Union between Two ſeemingly Irreconcileable

1652. Parties, the Papists and Presbyterians, which was discovered to the King before the Chancellor had any intimation of it. For the Lord *Balcarris*, with Dr. *Frazier*, and some other *Scots* about the Court, caused a Petition to be prepared, in which they set out, 'that the Presbyterian Party had great Affections to serve his 'Majesty, and much Power to do it; and that 'they had many Propositions and Advices to 'offer to his Majesty for the Advancement there-'of; but that they were discouraged and hin-'dred from offering the same, by Reason that 'his Majesty entrusted his whole Affairs with the 'Chancellor of the Exchequer, who was an 'old known and declared Enemy to all their 'Party, in whom they could repose no Trust: 'And therefore they besought his Majesty that 'he might be removed from his Council, at 'least not be suffered to be privy to any thing 'that should be proposed by them; and they 'should then make it appear how ready and how 'able they were in a very short time to advance 'his Majesties Affairs. The other Petition, prepared in the Name of his Roman Catholick Subjects, imported, 'that all his Majesties Party 'which had adher'd to him were now totally 'suppressed, and had, for the most part, com-'pounded with his Enemies, and submitted to 'their Government: That the Church Lands 'were all Sold, and the Bishops Dead, except 'very few, who durst not Exercise their Function; so that he could expect no more Aid from 'any who were concern'd to support the Go-'vernment of the Church as it had been former-'ly established: That by the Defeat of Duke '*Hamilton*'s Party first, and then by his Majes-'ty's ill Success at *Worcester*, and the total 'Reduction of the Kingdom of *Scotland* after-

'wards

'wards by *Cromwell*, his Majeſty might conclude 1653.
'what greater Aid he was to expect from the
'Presbyterian Party. Nothing therefore remain-
'ed to him of Hope for his Reſtoration, but
'from the Affection of his Roman Catholick Sub-
'jects, who, as they would never be wanting
'as to their Perſons, and their Eſtates which
'were left, ſo they had hope to draw from the
'Catholick Princes, and the Pope himſelf, ſuch
'conſiderable Aſſiſtance, both in Men and Money,
'that his Majeſty ſhould owe his Reſtoration,
'under the Bleſſing of God, to the Sole Power
'and Aſſiſtance of the Catholicks. But they
'had great Reaſon to fear that all theſe Hopes
'would be obſtructed, and render'd of no uſe,
'not only by there being no Perſon about his
'Majeſty in whom the Catholicks could have
'any Confidence, but by Reaſon that the Perſon
'moſt truſted by him, and through whoſe Hands
'all Letters and Diſpatches muſt paſs, was a
'known Enemy to all Catholicks; and therefore
'they beſought his Majeſty, that that Perſon,
'the Chancellor of the Exchequer, might be re-
'moved from him, whereupon he ſhould find
'great Benefit to accrue to his Service.

IT was concluded amongſt them, that when theſe Two Petitions ſhould be weigh'd and conſidered, the Queen would eaſily convince his Majeſty, that a Perſon who was ſo Odious to all the Roman Catholicks, from whoſe Affections his Majeſty had moſt Reaſon to promiſe himſelf Relief, and to all the Proteſtants who could contribute to his Aſſiſtance or Subſiſtence, could not be fit to be continued in any Truſt about him. But one Mr. *Walſingham*, a Perſon very well known to all Men who at that time knew the Palace Royal, and had been employed in the Affair, came to the King, informed him of the

1653. whole Intrigue, and gave him a Copy of the Petitions, who ſhewed them to the Marquiſs of *Ormond*, and the Chancellor of the Exchequer, and informed them of the whole Deſign. And from thenceforward his Majeſty made himſelf very merry with it, and ſpoke of it ſometimes at Dinner, when the Queen was preſent; and asked pleaſantly, 'when the Two Petitions would 'be brought againſt the Chancellor of the Ex-'chequer?

THO' this quaſhed both the Petitions, yet both Parties continued their implacable Malice towards him; nor did he find any Eaſe or Quiet by their giving over that Deſign, their Animoſities againſt him ſtill breaking out one after another, as long as the King remain'd in *France*: The Queen took all Occaſions to complain to the Queen Regent of the King's Unkindneſs, that ſhe might impute all that ſhe diſliked to the Chancellor; and the Queen Regent of *France* having intercepted a Letter of his to the Cardinal *de Retz*, which he had not thought fit to Communicate firſt to her, ſhe preſently did it to his Mother, and a little after, there being a Maſque at the Court that the King liked very well, he perſwaded the Chancellor to ſee it, and vouchſafed, the next Night, to carry him thither himſelf, and to place the Marquiſs of *Ormond* and him next the Seat where all their Majeſties were to ſit. And when they entered, the Queen Regent ask'd, who that Fat Man was that ſate by the Marquiſs of *Ormond*? The King told her aloud, that was the naughty Man who did all the Miſchief, and ſet him againſt his Mother: At which the Queen herſelf was little leſs diſordered than the Chancellor. But they within hearing laughed ſo much that the Queen was not diſpleaſed; and ſomewhat was ſpoken to his Advantage.

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THO' the Chancellor of the Exchequer was not (perhaps in Compliance with the Queen) against making Sir *Edward Herbert* Lord Keeper at this time, yet his Troubles did not ceaſe; for Mr. *Robert Long*, who, when the King was in *Scotland*, had been Secretary, an Office now perform'd by Sir *Edward Hide*, petitioning to be reſtored to the Place, and being refuſed, he thereupon accuſed Sir *Edward* of having Betray'd the King; and undertook to prove that he had been over in *England*, and had private Conference with *Cromwell*: Which was an Aſperſion ſo impoſſible that every Body laugh'd at it: Yet becauſe he undertook to prove it, the Chancellor preſſed that a Day might be appointed for him to produce his Proof; and at that Day the Queen came again to the Council, that ſhe might be preſent at the Charge. There Mr. *Long* produced one *Maſſonet*, a Man who had ſerv'd him, and afterwards been an Under-Clerk for writing Letters, and had been taken Priſoner at *Worceſter*, and being releaſed with the reſt of the King's Servants, had been employed, from the time of the King's Return, in the ſame Service under the Chancellor of the Exchequer, who ſaid, 'that after 'his Releaſe from his Impriſonment, and whilſt 'he ſtaid in *London*, he ſpoke with a Maid, who 'had formerly ſerved him, that knew the Chan'cellor very well, and who aſſured him, that 'one Evening ſhe had ſeen the Chancellor go 'into *Cromwell*'s Chamber at *White-Hall*; and 'after he had been ſhut up with him ſome Hours 'ſhe ſaw him Conducted out again. And Mr. *Long* deſired time that he might ſend over for this Woman, who ſhould appear and juſtifie it. To this impoſſible Diſcourſe the Chancellor ſaid, 'he would make no other Defence, than 'that there were Perſons then in the Town, 'who, he was confident, would avow that they 'had

1653.

1653. 'had ſeen him every Day, from the time he return-
'ed from *Spain*, to the Day on which he attend-
'ed his Majeſty at *Paris*; and when he had ſaid ſo, he offered to go out of the Room; which the King would not have him to do. But he told his Majeſty, 'that it was the Courſe; 'and that he ought not to be preſent at the 'Debate that was to concern himſelf; and the Lord Keeper (who was his Enemy) with ſome warmth ſaid, 'it was true; and ſo he retired to his own Chamber. The Lord *Jermyn*, as ſoon as he was gone, ſaid, 'he never thought 'the Accuſation had any thing of Probability 'in it; and that he believed the Chancellor a 'very Honeſt Man; but that the Uſe that he 'thought ought to be made of this Calumny 'was, that it appeared that an Honeſt and Inno-'cent Man might be calumniated, as he thought 'Mr. *Long* had likewiſe been; and therefore 'they ought both to be cleared. The Keeper ſaid, 'he ſaw not Ground enough to condemn 'the Chancellor; but he ſaw no Cauſe neither 'to declare him Innocent: That there was one 'Witneſs which declared only what he had 'heard; but that he undertook alſo to produce 'the Witneſs herſelf if he might have time, 'which in Juſtice could not be denied; and 'therefore he propoſed that a competent 'Time might be given to Mr. *Long* to make 'out his Proof; and that in the mean time the 'Chancellor might not repair to the Council: With much warmth the King ſaid, 'he diſcerned 'well the Deſign; and that it was ſo falſe and 'wicked a Charge, that, if he had no other 'Exception againſt Mr. *Long* than this Foul 'and Fooliſh Accuſation, it was cauſe enough 'never to truſt him: And therefore he preſently ſent for the Chancellor, and aſſoon as he came in,

in, commanded him to sit in his Place; and told him, 'he was sorry he was not in a Condition 'to do him more Justice than to declare him 'Innocent. 1653.

THE Keeper hereupon could not contain himself from appearing very much troubled; and said, if what he heard from a Person of Honour, who, he thought, would justifie it, were true, the Chancellor had aspersed the King in such a manner, and so much reviled his Majesty in Point of his Honour, that he was not fit to sit there. The Chancellor was wonderfully surprized with the Charge, and humbly besought his Majesty that the Lord Keeper might produce his Author, or be looked upon as the Contriver of the Scandal. The Keeper answered, that if his Majesty would appoint an Hour the next Day for the Council to meer, he would produce the Person, who, he was Confident, would justifie all he had said. The next Day the King sate in Council, and the Keeper desiring that the Lord *Gerrard* might be called in, he presently appear'd, and being asked whether he had at any time heard the Chancellor of the Exchequer speak ill of the King? He answered, yes; and thereupon made a Relation of a Conference that had passed between the Chancellor and him a Year before, when the King lay at *Chantilly*, to this Effect: That one Day, after Dinner, the 'King took the Air, and being in the Field, his 'Majesty alighted out of his Coach, and took 'his Horse, with other of the Lords, to ride into 'the next Field to see a Dog set a Partridge; and 'that he, the Lord *Gerrard*, and the Chancellor, 'remain'd in the Coach, when he entred into Dis-'course of the King's Condition, and said, that 'he thought his Majesty was not Active enough, 'nor did think of his Business; and that the

1653. 'Chancellor, who was known to have Credit with 'him, ought to adviſe him to be Active, for his 'Honour and his Intereſt, otherwiſe his Friends 'would fall from him. But that it was generally 'believed that he the Chancellor had no Mind 'that his Majeſty ſhould put himſelf into Action, 'but was rather for ſitting ſtill; and therefore it 'concerned him, for his own Juſtification, to per-'ſwade the King to be Active, and to leave '*France*, where he could not but obſerve that eve-ry Body was weary of him. To all which the Chancellor took great Pains to purge himſelf from being in the Fault; and ſaid, 'that no Bo-'dy could think that he could take delight to 'ſtay in a Place where he was ſo ill uſed; but 'laid all the Fault upon the King, who, he ſaid, 'was indiſpoſed to Buſineſs, and took too much 'Delight in Pleaſures, and did not love to take 'Pains; for which he was heartily ſorry, but could 'not help it; which *Gerrard* ſaid, 'he thought 'was a great Reproach and Scandal upon the King 'from a Man ſo obliged and truſted, who ought 'not to aſperſe his Maſter in that Manner.

THE Chancellor was a little out of Counte-nance, and ſaid, 'he did not expect that Accu-'ſation from any Body, much leſs that the Lord '*Gerrard* ſhould diſcover any private Diſcourſe 'that had paſſed a Year before between them 'Two, and which appear'd by his Relation to 'have been introduced by himſelf, and by his 'own Freedom: That whoſoever believed that 'he had a Mind to traduce the King, would 'never believe that he would have choſen the 'Lord *Gerrard*, who was known to be none 'of his Friend, to have Communicated it to. He ſaid, 'he did very well remember, that the 'Lord *Gerrard* did, at that time when they Two 'remained alone in the Coach, very paſſionate-

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'ly Cenſure the King's not being Active, and 1653.
'blamed him the Chancellor for not perſwa-
'ding his Majeſty to put himſelf into Action;
'and that he was generally believed to be in the
'Fault: Upon which he had ask'd him, 'what
'he did intend by being Active? And what that
'Action was? And where? To which he wiſh'd
'the King ſhould be perſwaded? He anſwered,
'with an Increaſe of Paſſion, and Addition of
'Oaths, that rather than ſit ſtill in *France* his
'Majeſty ought to go to every Court in *Chriſten-*
dom; that inſtead of ſending an Ambaſſador
'who was not fit for any Buſineſs, he ſhould
'have gone himſelf to the Diet at *Ratisbon*,
'and ſolicited his own Buſineſs: Which would
'have been more effectual; and that if he could
'not find any other Way to put himſelf into
'Action, he ought to go into the High-Lands of
Scotland to *Middleton*, and there try his For-
'tune. To all which the Chancellor ſaid, 'he
'did remember that he replied, he believed
'the King was indiſpoſed to any of that Action
'he propoſed: And tho' he did not believe that
'he had uſed thoſe Expreſſions, of the King's
'delighting in Pleaſures, and not loving Buſi-
'neſs ſo well as he ought to do, if the Lord
Gerrard would poſitively affirm he had, he
'would rather confeſs it, and ſubmit himſelf
'to his Majeſty's Judgment, if he thought ſuch
'Words proceeded from any Malice in his Heart
'towards him, than, by denying it, continue the
'Debate: And then he offer'd to retire, which
the King forbid him to do: Upon which the
Keeper was very Angry, and ſaid, the Words
amounted to an Offence of a high Nature; and
that he was ſorry his Majeſty was no more ſen-
ſible of them: That for any Man, eſpecially a
Counſellor, and a Man of ſo near Truſt, to ac-

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1653. cuſe his Maſter of not loving his Buſineſs, and being inclined to Pleaſures, was to do all he cou'd to perſwade all Men to forſake him; and proceeding with his uſual warmth and poſitiveneſs the King interrupted him, and ſaid, he 'did really believe that he was himſelf in 'fault, and did not enough delight in his Buſi-'neſs, which was not very pleaſant; but he 'did not know that ſuch putting himſelf into 'Action, which was the common Word, as the 'Lord *Gerrard* adviſed, was like to be attended 'with thoſe Benefits which he was confident 'he wiſhed. In fine, he declared he was very well ſatisfied in the Chancellor's Affection, and took nothing ill that he had ſaid, and directed the Clerk of the Council to enter ſuch his Majeſty's Declaration in his Book; and from that time there were no farther publick Attempts againſt the Chancellor during the time of his Majeſty's Abode in *France*.

1654. THE King ſome time after this being grown perfectly weary of *France*, before he retired from thence into *Germany* he deſired that the Chancellor of the Exchequer might part in the Queen's good Grace, and being introduced into her Preſence by the Lord *Piercy*, he told her Majeſty, *that now ſhe had vouchſafed to admit him into her Preſence, he hoped ſhe would let him know the Ground of the Diſpleaſure ſhe had conceiv'd againſt him; that ſo having vindicated himſelf from any Fault towards her Majeſty, he might leave her with a Confidence in his Duty, and receive her Commands with an Aſſurance that they ſhould be punctually obeyed by him.* The Queen with a loud Voice, and more Emotion than ſhe was accuſtom'd to, told him, *that ſhe had been contented to ſee him, and to give*

him

him leave to kiss her Hand, to comply with the King's Desires, who had importuned her to it; otherwise that he liv'd in that manner towards her, that he had no reason to expect to be Welcome to her: That she need not assign any particular Miscarriage of his, since his Disrespect towards her was notorious to all Men; and that all Men took notice that he never came where she was, though he lodged under her Roof, (for the House was hers,) *and that she thought she had not seen him in Six Months before; which she look'd upon as so high an Affront, that only her Respect towards the King prevailed with her to endure it.* 1654.

WHEN her Majesty made a Pause, the Chancellor, with admirable Presence of Mind, and happy Turn of Thought, so peculiar to himself, answered, 'that her Majesty had only 'mention'd his Punishment, and nothing of his 'Fault: That how great soever his Infirmities 'were in defect of Understanding, or in good 'Manners, he had yet never been in *Bedlam*; 'which he had deserv'd to be, if he had affect-'ed to publish to the World that he was in the 'Queen's Disfavour, by avoiding to be seen by 'her: That he had no kind of Apprehension 'that they who thought worst of him, would 'ever believe him to be such a Fool, as to pro-'voke the Wife of his dead Master, the great-'ness of whose Affections to her was well known 'to him, and the Mother of the King, who sub-'sisted by her Favour, and all this in *France*, 'where himself was a Banish'd Person, and she 'at Home, where she might oblige or disoblige 'him at her Pleasure. So that he was well as-'sured that no Body would think him guilty 'of so much Folly and Madness, as not to use 'all the Endeavours he possibly could to obtain

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1654. 'her Grace and Protection: That it was very 'true he had been long without the Presumption of being in her Majesties Presence, after he 'had undergone many sharp Instances of her 'Displeasure, and after he had observ'd some 'Alteration and Aversion in her Majesties 'Looks and Countenance, upon his coming into 'the Room where she was, and during the 'time she staid there; which others likewise 'observed so much, that they withdrew from 'holding any Conversation with him in those 'Places, out of Fear to offend her Majesty: 'That he had often desired by several Persons 'to know the Cause of her Majesty's Displeasure, and that he might be admitted to clear 'himself from any unworthy Suggestions which 'had been made of him to her Majesty, but 'could never obtain that Honour; and therefore he had conceiv'd, that he was oblig'd in 'good Manners to remove so unacceptable an 'Object from the Eyes of her Majesty, by not 'coming into her Presence; which all who 'knew him could not but know to be the 'greatest Mortification that could be inflicted 'upon him; and therefore he most humbly be'sought her Majesty at this Audience, which 'might be the last he should receive of her, she 'would dismiss him with the Knowledge of 'what had been taken amiss, that he might be 'able to make his Innocence and Integrity appear; which he knew had been blasted by the 'Malice of some Persons, and thereby misunderstood and misinterpreted by her Majesty. But all this prevailed not with her Majesty; who objected his Credit with the King, and his Endeavours to lessen that Credit which she ought to have; and concluded, that she should be glad to see Reason to change her Opinion; and so

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carelesly extended her Hand towards him; 1654.
which he kissing, she departed to her Chamber.

WHILE the King was at *Aix La Chappelle*, before he went to reside at *Cologn*, and had News from *Scotland* that *Middleton* had some Success in the Highlands; and that the *Scottish* Lords who were Prisoners in *England* assured him, 'that there was now so entire a Union in 'that Nation for his Service, that they wish'd 'his Majesty himself would venture thither: The Lord *Balcarris*, who was with the King, used much Importunity with him to that Purpose; to which the King shewing no great Inclination, the Chancellor of the Exchequer one Day represented to the King the Sadness of his Condition, and the general Discourses of Men, and 'that it was his Majesties Misfortune to be 'thought by many not to be active enough towards his own Redemption, and to love his 'Ease too much, in respect both of his Age and 'his Fortune; then desired him 'to consider 'upon this News and Importunity from *Scotland*, whether in those Highlands there might 'not be such a safe Retreat and Residence, that 'he might reasonably say, that with the Affections of that People, which had been always 'firm, both to his Father and Himself, he might 'preserve himself in Safety, though he could 'not hope to make any Advance, or recover 'the lower Part of that Kingdom, possessed by 'the Enemy; and if so, whether he might not 'expect the good Hand of Providence for some 'Revolution more honourably there, than in 'such Corners of other Princes Dominions, as 'he might be forced to put himself into. His Majesty discoursed very calmly of that Country, Part whereof he had seen; of the miserable

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1654. Poverty of the People, and their Course of Life; and how 'impossible it was for him to live 'there with Security, or with Health; that if 'Sickness did not destroy him, which he had 'reason to expect from the ill Accommodation 'he must be there contented with, he should in 'a short time be betray'd and given up. Nay, the King gave him such an Answer of the Necessities and Dangers he should be exposed to there, that stopp'd the Chancellor from ever saying any more to that Purpose.

1657. WHILE the King lived poorly in *Germany*, and in the *Netherlands*, and that *Cromwel* with a Stupendious Fortune and Conduct had establish-ed himself in *England*, and by the Prosperity of his Arms was grown terrible to all his Neighbours, it's no Wonder his Majesties Followers grew uneasie; and there is a Story (the Truth of which however I will not vouch) of this Great Man, whose Life is the present Subject, that must not be omitted in this Place; that being weary with Poverty and an Exiled State, utterly despairing of his Royal Master's Restoration, and longing for his Native Country, he should at this time write secretly to *Thurlo*, *Oliver*'s Secretary, and his Old Acquaintance, to importune him to make his Peace with his Master: Which the other effecting, and it being the more readily agreed to by the Protector, who well knew that the Desertion of the Royal Cause by so Wise a Man would be of vast Use to him, and a pregnant Example for others to follow, some Accidents intervened that the Design of his Return could not be put in Execution till the Death of the Protector, which hapned not long after the Agreement; that the Protector's Exit being like to produce some favourable Conjunctures to the King, he altered his Reso-

Reſolution, and firmly adhered to his Majeſty till his Reſtoration; that it was *Thurlo*'s Turn now, who had been ſo obnoxious to Monarchy, to abſcond, but having with an admirable Foreſight kept the Chancellor's Letter carefully in his own Hands, he boldly adventured one Day to go to his Lordſhip's Houſe, and having obtained Admittance, told him he had a Preſent to make him, and thereupon delivered the Letter into his Hand. The Chancellor upon Peruſal gave him many Thanks, bid him go and live quietly in his Chambers, and he ſhould be no ways moleſted. 1657.

ADMITTING the whole Relation to be true, as there were few or none who ſtuck ſo long to the Royal Cauſe as Sir *Edward*, that had any Proſpect of Pardon, ſo as things now ſtood with the King Abroad, and his Enemy at Home, he could not much be blamed for it, if we conſider every Man is apt to provide for his own Security, and the Welfare of his Family.

BUT to purſue all that we find in Relation to this Great Man till the King's Reſtoration, I find his Majeſty was pleaſed to make him Lord Chancellor of *England* in the *Chriſtmas*-Holy-days preceding *Oliver*'s Death: Sir *Edward Herbert*, who was the laſt Lord Keeper of the Great Seal, being lately dead at *Paris*: He receiv'd the Seal very unwillingly: But the King firſt employed the Marquiſs of *Ormond*, with whom his Majeſty knew he had an entire Friendſhip, to diſpoſe him to receive it; which when he could not do, he giving him many Reaſons why there was no need of ſuch an Officer, or indeed any uſe of the Great Seal till the King ſhould come into *England*; and that his Majeſty found ſome Eaſe in being without ſuch an Officer,

1657. cer, that he was not troubled with those Suits which he would be, if the Seal were in the Hands of a proper Officer to be used, since every Body would be then importuning the King for the Grant of Offices, Honours and Land, which would give him great Vexation to refuse, and do him great Mischief by granting. The Marquis told the King of it, who went himself to the Chancellor's Lodgings, and took notice of what the Marquis had told him; and said, 'he would deal truly 'and freely with him; that the principal 'Reason which he had alledged against re-'ceiving the Seal, was the greatest Reason 'that disposed him to confer it upon him; 'and then he pulled Letters out of his Pocket, 'which he receiv'd lately from *Paris*, for 'the Grant of several Reversions in *England* 'of Offices, and of Lands; he mentioned to him also many other Importunities, with which he was every Day disquieted; and 'that he saw 'no other Remedy to give himself Ease, than 'to put the Seal out of his own Keeping, into 'such Hands as would not be importuned, and 'would help him to deny. And thereupon he conjured Sir *Edward* to receive that Trust, with many Promises of his Favour and Protection. Whereupon the Earl of *Bristol*, and Secretary *Nicholas*, using likewise their Perswasions, he submitted to the King's Pleasure.

THE Chief Administration of Affairs was now in a very great Degree in the Hands of the Lord Chancellor, of whose Capacity as well as Integrity his Majesty had had so long and convincing Experience, that he was the more ready to leave all to him: *Oliver*'s Death, and the various Revolutions that hapned upon it in *England*, revived the Hopes and Activity of the Chan-

Chancellor to promote the Reſtoration of his Royal Maſter to his loſt Dominions; and moſt, if not all, the Papers, Declarations, and the like, which were put out to this End, were of his Drawing. It would be needleſs to hint the Particulars his Prudence ſuggeſted ſeaſonable Thoughts of Moderation and Mildneſs to him in the ſeveral Particulars contained in them. At length the happy and long'd-for Day came when His Majeſty was reſtored, and on the 29th of *May* made his Publick Entry through the City of *London*, which put an end for the preſent to the Lord Chancellor's Exile, and afforded him kind and promiſing Views of a large and proſperous Fortune. But there is no real Happineſs on this ſide the Grave. 1652.

FOR my part I think 'tis pity there were not ſome Previous Terms and Regulations made with the King before he came in; it muſt be ſaid to the Honour of the Chancellor, that out of Regard to the Good of his Country he had correſponded among others with Sir *Anthony Aſhley Cooper*, afterwards Earl of *Shaftsbury*, and was inclined to come to an Agreement about this Grand Affair upon the Foundation of the Treaty of the *Iſle of Wight*; but *Monk* having the main of the Power, I mean the Sword in his Hand, would have the Reputation at laſt of effecting it upon his own Terms, tho' it's likely when he firſt ſet out of *Scotland* he had no manner of Inclination that Way.

ON the 4th of *June* the Lords and Commons having taken the Oaths of Allegiance and Supremacy, and at the ſame time order'd the Lord Chancellor to take effectual Care to have it adminiſtred to the Officers and Soldiers, the Lord Chancellor to that End was deſired to iſſue out Commiſſions under the Great Seal of *England* to ſuch Perſons as the Lord General

1660. should Nominate and Appoint for Ordaining the said Oaths to the Officers and Soldiers accordingly; all which was executed with all imaginable Care by the Chancellor and General.

THE Lord Chancellor, who was a very forward Instrument with the King at *Breda*, to make the largest Concessions of Favour and Indempnity, that well could be, to his Subjects, upon the Prospect he had of his Restoration, thought it now his Honour as well as his Duty to endeavour the punctual Performance of every Particular: And therefore finding there were some Persons, who most maliciously endeavoured to insinuate that His Majesty intended nothing less than the Performance of his Promises, the Chancellor advised him to send a Message to the Commons, to quicken their Debates about the Act of General Pardon and Indempnity, as that which would best quiet the Minds of the Subjects; and the Lord Chancellor being the Person that drew up that Message, it's proper to insert the Substance of it.

HE inform'd them, that he had so ample a Manifestation of their Affections and Duty towards him, (and the good Effects of which was notorious to all the World,) to make the least Doubt of the Continuance and Improvement thereof, or in the least Degree to dislike what they had done, or to complain of what they had left undone: That he was very sensible of the Weight and Importance of those Affairs, which depended upon their Counsels, and the Time that must unavoidably be spent, where there must be naturally Difference of Opinions and Judgments amongst those who had equal Desires of the publick Peace and Safety, and that neither he nor they must be over-

overmuch troubled if they found their good Intentions and unwearied Application made to reduce those good Intentions into real Acts, for the Quiet and Security of the Nation, misrepresented and misinterpreted by those who were in Truth afflicted to see the Publick Distractions, by God's Blessing, so near an end, and by others, upon whose Weakness, Fears and Jealousies, the Activity and Cunning of those ill Men had had too great an Influence. 1660.

THAT how Wonderful and Miraculous soever the great Harmony of Affections between him and his Subjects were, (it being so visible to the World, that there scarce appear'd the View of any Cloud to overshadow or disturb it,) yet it was not to be thought that God Almighty had wrought the Miracle to that degree, that a Nation so divided for so many Years would be so soon and entirely united in their Affections and Endeavours, as were to be wished for, but that the evil Consciences of many continued so awake for Mischief, that they would not be willing to take rest themselves, or suffer others to take it: And that they had all too sad an Experience of the unhappy Effects of Fears and Jealousies, (how groundless and unreasonable soever,) not to think it highly necessary to apply all Timely and Proper Remedies to those Diseases, and to prevent the Mischiefs and Inconveniencies that so naturally flew from thence.

THAT he very well saw that the great Violation, which the Laws of the Land had for so many Years sustained, had filled the Hearts of the People with a terrible Apprehension of Insecurity to themselves, if all they had said and done should be liable to be examined and pu-

1660. niſhed by thoſe Laws which had been ſo violated, and that nothing could eſtabliſh the Security of King and People, but a full Proviſion, that the Returning to the Reverence and Obedience of the Laws (which were for the Benefit of all) ſhould not turn to the Ruin of any who were willing and fit to receive hereafter that Protection from the Law, and to pay that Subjection to it that was juſt and neceſſary.

WHEREFORE he made a free Offer of a Geral Pardon in ſuch a manner as was expreſs'd in his Declaration; and how ready and deſirous he was to make good the Same, appear'd by his Proclamation; iſſued out upon or according to their Deſire: That however it was evident, that all he had offered, or did offer, did not enough compoſe the Minds of his People, nor in their Opinions could their Security be provided for, till the Act of Indempnity and Oblivion were paſt.

THAT he found great Induſtry uſed by thoſe who did not wiſh that Peace to the Kingdom they ought to do, to perſwade his good Subjects that he had no Mind to make good his Promiſes, which he deſired to perform for his own Sake as well as theirs; and that therefore he did very earneſtly recommend to them that they would uſe all Expedition in paſſing that moſt neceſſary Act, by which his good Subjects generally would be ſatisfied that their Security was in their own Hands, and depended upon their future Actions, and that they were free from all that was paſt; and ſo all the Endeavours of ill Men would be diſappointed, who would perſwade them not to do well now, becauſe they had done amiſs heretofore.

THAT

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THAT His Majeſty was more engaged to this his Recommendation, becauſe that upon the Reflection of their Eminent Zeal and Affection for his Service, and Hearty Concurrence with him in all Things deſired of them, Men were apt to perſwade others, (tho' they did not believe it themſelves,) that the paſſing of this Act was therefore not deſired, becauſe he did not ſufficiently preſs the Diſpatch of it, which he did deſire from his Heart, and was confident they would the ſooner do upon his earneſt Recommendation.

THE Commons being quickned with this Meſſage, diſpatched the Bill in a little Time, and ſending it to the Lords for their Concurrence, they had long Debates about it, which put the Lord Chancellor, who was Prime Miniſter, and others of the Council, upon finding Means to expedite it in that Houſe; and thinking of nothing more proper than that the King himſelf ſhould go into that Houſe, and make a Speech to them about it, the ſame was drawn up by the Chancellor, approved of by the Council, and delivered on the 27th of *July* by His Majeſty to this Effect.

THAT when he came firſt thither to them, which was within Two or Three Days after his Arrival at *Whitehall*, he had with as much Earneſtneſs as became both himſelf and the Lord Chancellor, recommended to them and the Houſe of Commons the ſpeedy Diſpatch of the Act of Indempnity, as a neceſſary Foundation of that Security they all pray'd for; that he had ſince by a particular Meſſage to the Houſe of Commons again preſs'd them to haſten that Important Work, and had in like manner ſignified by a Proclamation, publiſh'd throughout the Kingdom, that he did with Impati-

1660. ence expect that that Act would have been presented to him for his Assent, as the most reasonable and solid Foundation of that Peace, Happiness and Security, he hoped and prayed for to himself and all his Dominions.

THAT he must own to them that he thought the House of Commons too tedious about that Work, and therefore now that it was come before them he would not have them guilty of the same Delay; then he thanked God he had the same Intentions and Resolutions now he was in *England* with them, as he had at *Breda*, and did believe that he owed his being there to God's Blessings upon the Intentions and Resolutions he then express'd to have.

THEN having read to them Two Paragraphs out of his Declaration from *Breda*, which imply'd the general Indempnity, he proceeded, and told them, That if they would not concur with him in extinguishing that Fear, which kept the Hearts of Men awake, and apprehensive of their Safety and Security, they would keep him from performing his Promise; which if he had not made, he was perswaded that neither he nor they would have been there that Day: He pray'd them that they should not deceive those that brought or allowed them to come together: That he very well knew there were some Men who would neither forgive themselves, nor be forgiven by them; and he thanked them for their Justice towards those that were the immediate Murderers of his Father, and he would deal truly with them, that he never thought of excepting any other.

HE pray'd them to think well of what he had offered, and the Benefit they and himself had received from that Offer, and to encourage

and

and oblige all other Perſons, by not excluding them from the Benefit of that Act. 1660.

THAT Mercy and Indulgence was the beſt Way to bring them to a true Repentance, and to make them more ſevere to themſelves, when they found they were not ſo to them; that it would make them good Subjects to him, and good Friends and Neighbours to them; and they had then all their Ends, and they ſhould find that to be the neareſt Expedient to prevent future Miſchief; therefore he earneſtly deſired and conjured them to lay aſide all particular Animoſities, and Revenge or Remembrance of paſt Provocations; and that they would paſs that Act without any other Exceptions, than thoſe who were more immediately guilty of the Murder of his Father.

HE then ſaid, he had told them his Opinion, and hoped they would be of the ſame; that if any Perſons appear'd of ſuch Dangerous and Obſtinate Principles, that the Peace of the Kingdom could not be preſerved while they had Liberty in it, ſome other Courſe might be taken that they ſhould not be able to do any Hurt; and he aſſur'd them there was nothing could enable them to do ſo much Harm as the deferring the paſſing of that Act.

HE concluded with hoping he had no need to ſay any Thing of *Ireland*, and that they alone ſhould not be without the Benefit of his Mercy; that they had ſhew'd much Affection to him abroad, and that they would have a Care of his Honour, and what he had promis'd to them; and then conjure them once more to to uſe all Expedition in the Diſpatch of that Bill.

THE Lords having paſſed the Bill, with ſeveral Alterations, agreeable to the King's Inclina-

1660. tions, towards the pardoning of all but such as were his Father's Judges, or otherwise Actors in his Murder. The Commons and they could not for some Time agree about it, the latter insisting that more should be excepted, and the like, which in the last Conference between the Lords and them, gave the Lord Chancellor Occasion to speak of the King's Affections to his People by a very remarkable Instance, saying, That being imploy'd by His Majesty in an Ambassie to *Spain*, he had it strictly given him in Charge by the King himself to avow and declare, that the Horrid Murder of his Royal Father was not the Act of the Parliament, or People of *England*, but of a very Wretched and Little Company of Miscreants in the Kingdom.

THE Lord Chancellor having been so exceeding serviceable upon this Grand Occasion, that tended so much to the Peace and Tranquility of the Kingdom, and the Lords and Commons at last agreeing about this Bill, there was one Task more lay upon his Lordship before the Matter could be brought to its Final Period, and that was his Help to draw up what the King was to say on the 29th of *August*, in the passing of this and other Bills, which was in Substance thus.

THAT he had been sometimes before with the Lords and Commons in Parliament Assembled, but never with more Willingness than at that Time; and there were but few Men in the Kingdom who had longed more impatiently to have those Bills pass, than he had done to pass them; and that he hoped they would be the Foundation of much Security and Happiness to them all: That he did very willingly pardon all that was pardoned by that Act of Indempnity, to that Time which was

was mentioned in the Bill. Nay, he would tell them, that from thence, to that very Day, he would not uſe great Severity, unleſs it were in ſuch Caſes where the Malice was Notorious, and the Publick Tranquility very much concerned; but that for the future the ſame Conſcience and Diſcretion which diſpoſed him to the Clemency he had expreſs'd, which was moſt agreeable to his Nature, would oblige him to all Rigour and Severity, how contrary ſoever it was to his Nature, towards thoſe who ſhou'd not now acquieſce, but continue to manifeſt their Seditious Inclinations and Diſaffection to the Government, either in Words or Deeds. 1660.

THAT he muſt conjure them all, both Lords and Commons, to concur with him in that juſt and neceſſary Severity; and that they would in their ſeveral Stations be ſo jealous of the Publick Peace, and of his particular Honour, that they would cauſe exemplary Juſtice to be done upon thoſe who were guilty of Seditious Speeches or Writings, as well as upon thoſe who broke out into Seditious Actions; and that they would believe that thoſe who delighted in Reproaching and Traducing his Perſon, not to be well Affected to him and the Publick Peace.

THAT never any King valued himſelf more upon the Affections of his People than he did; neither did he know a better Way to make himſelf ſure of their Affections, than by being juſt and kind to them all; and while he was ſo, he deſired them to let the World ſee that he was poſſeſſed of their Affections. That as for the Poll Bill, he thanked them as much as if the Money came into his own Coffers, and wiſh'd with all his Heart it might amount to ſo great

1660. a Sum as they reckoned it would be, that if the Work were well and orderly done, to which it was designed, he was sure he should be the Richer by it in the End; and that upon his Word, if he had wherewithal, he would himself help them; so much he desired the Business should be done.

HE desired very earnestly that as fast as Money came in the great Burthen of the Navy might be discharged, and the Army disbanded as fast as they could; and that till they could disband the rest Provision might be made for their Support. He conjured them, as they loved him, that he might not hear the Noise of Free Quarter, which would be imputed to his want of Care and Government, how Innocent soever he was, and therefore he bid them be sure to prevent it.

THAT he was so confident of their Affection, that he could not move them in any thing that immediately related to himself; and yet he was obliged to tell them he was no Richer, that is, he had not so much Money in his Pocket as when he came to them: That in reality he had lived chiefly ever since upon what he had brought along with him, which was indeed their Money, for they had sent it him, and he thanked them for it: That the Weekly Expence of the Navy eat up all they had given him by the Bill of Tonnage and Poundage; nor had he been able to give his Brothers One Shilling since he came into *England*, nor to keep any Table in his House, but what he eat himself. And that which troubled him most was, to see so many of them come to *Whitehall*, and to think they must go somewhere else for a Dinner; that he did not mention this to them as any thing that troubled him; let them but take Care of the Publick,

Publick, and for what was neceſſary for the Peace and Tranquility of the Kingdom, and let them take their own time for his own Particular, which he was ſure they would provide for with as much Frankneſs and Affection as he could deſire. 1660.

THE King having paſſed the many Bills that were preſented to him, the Parliament proceeded with the many other weighty Affairs before them, till the 13th of *September*, at which time divers Bills being again ready, the King paſſed them, and ſaid, 'that if his Preſence there 'had not been requiſite for the paſſing thoſe 'many Bills, he had always intended to ſee 'them together before their Adjournment, that 'he might again thank them for the many good 'Things they had done for him and the King-'dom; and that in Truth he did thank them 'more for what they had done for the Publick, 'than what they had done for his own Parti-'cular; and yet he thank'd them too for that 'with all his Heart: But he confeſs'd to them 'he did thank them more for the Proviſion 'they had made to prevent Free Quarter du-'ring the time the Army ſhould be disbanding, 'which he took to be given for his Satisfacti-'on, than he did for the other Preſent they 'had made him for his own particular Occa-'ſions; and he did promiſe them, which was 'the beſt Way he could take to gratifie them, 'he would not apply One Penny of the Money 'to his own particular Occaſions, what ſhift ſo-'ever he made, till it was evident to him that 'the Publick would not ſtand in need of it; 'and if it did, every Penny of it ſhould be 'disburſed that Way; and he durſt ſay he 'ſhould not be the Poorer for it.

'THAT

1660. ‘That he could not but take Notice of one ‘particular Bill he had paſſed, which might ‘ſeem of an extraordinary Nature, that con‘cerning the Duke of *Somerſet*, [*by which, he, being then only Marquiſs of* Hertford, *was reſtored to the Dukedom of* Somerſet;] ‘but they all ‘knew it was for an extraordinary Perſon, who ‘had merited as much of the King his Father ‘and himſelf as a Subject could do; and he ‘was none of thoſe who thought that Sub‘jects by performing their Duties in an extra‘ordinary manner did not oblige their Prin‘ces to reward them in an extraordinary man‘ner; and there could be no danger from ſuch ‘a Precedent; and he hoped no Man would ‘envy him, becauſe he had done what a good ‘Maſter ſhould do to ſuch a Servant.

‘That he would not deny to them that he ‘had ſome Inclination, when he conſented up‘on their Deſire to a Receſs, to have made ‘a Seſſion, which he thought moſt agreeable ‘to the Antient Order of Parliaments, and he ‘hoped they would join with him in reducing ‘the Proceedings of Parliaments to the Anti‘ent Rules and Orders of Parliaments, the de‘viation from which had done them no Good; ‘and he thought there were never ſo many ‘Bills paſſed together, as he had this Day ‘given his Aſſent to, without a Seſſion: But ‘upon the Deſire and Reaſons given by the ‘Houſe of Commons for an Adjournment ‘without a Seſſion, he did very willingly de‘part from that Inclination, and did as willing‘ly give them leave, and direct them that they ‘ſhould Adjourn themſelves till the Sixth of ‘*November*, when he hoped they would all ‘meet again: And in the mean time that they

‘would

'would be all welcome to their Countries, 1660.
'and do him much Service there.

'THAT he had many Particulars to ſay and 'recommend to them, in which he could not e-'nough truſt his own Memory, and ſhould 'command the Chancellor to ſay the reſt to 'them.

THE Chancellor, who had yet a great Hand undoubtedly in forming and approving of this, as well as the others of the King's Speeches and Declarations, for which Cauſe I have taken ſo much Notice of them; and in particular gave his Advice, that this ſhould be no Seſſions, but an Adjournment, whereby ſome Things ſtill remaining before the Parliament already begun, for the Benefit of the Publick, might the ſooner and more expeditiouſly be diſpatched at their Meeting, made the following moſt Excellent Speech to both Houſes.

'MY Lords and Gentlemen, The King tells 'you that he hath commanded me to ſay many 'Particulars to you; and the Truth is, he hath 'charged me with ſo many, that I have great 'Reaſon to fear that I ſhall ſtand in much need 'of his Mercy, for omitting many things he hath 'given me in Command, at leaſt for delivering 'them in more Diſorder and Confuſion than 'Matters of ſuch Moment and Importance ought 'to be to ſuch an Aſſembly, for which the 'King himſelf hath even a kind of Reverence 'as well as an extraordinary Kindneſs. I am 'to mention ſome Things he hath done already, 'and many things he intends to do, during this 'Receſs, that you may ſee how well content 'ſoever he is that you ſhould have Eaſe, and 'Pleaſure, and Refreſhment, he hath deſigned 'Work enough for himſelf.

'THE

1660. 'THE King hath thanked you for the 'Provision you have made that there may be 'no Free Quarter during the time the Army 'shall be disbanding, and hath told you what 'he will do with that Money you have given 'him, if there should want wherewithal to 'disband it; and now I hope you will all be-'lieve that his Majesty will consent to the 'disbanding: He will do so; and yet he does 'not take it unkindly at their Hands who have 'thought that his Majesty would not disband 'this Army: It was a sober and a rational Jea-'lousie; no other Prince in *Europe* would be 'willing to disband such an Army; an Army 'to which Victory is entailed, and which, hu-'manely speaking, could hardly fail of Con-'quest whithersoever he should lead it. And 'if God had not restored his Majesty to that 'rare Felicity, as to be without Apprehension 'of Danger at Home or Abroad, and without 'any Ambition of taking from his Neighbours 'what they are possessed of, himself would 'never disband this Army; an Army whose 'Order and Discipline, whose Sobriety and 'Manners, whose Courage and Success, hath 'made it Famous and Terrible over the World. 'An Army of which the King and his Two 'Royal Brothers may say, as the Noble *Grecian* said of *Æneas*,

——Stetimus tela aspera contra,
Contulimusq; manus, experto credite, quantus
In clypeum assurgat, quo turbine torqueat hastam.

'THEY have all Three in several Coun-'tries found themselves engaged in the midst 'of these Troops, in the Heat and Rage of Bat-'tle, and if any Common Souldier (as no 'doubt many may) will demand the Old *Ro-*

'*man*

man Priviledge for having encountred Princes Single, upon my Conſcience he will find both Favour and Preferment: They have all Three obſerved the Diſcipline, and felt, and admired, and loved the Courage of this Army, when they were the worſe for it; and I have ſeen them in a Seaſon when there was little of Comfort in their View, refreſh themſelves with Joy, that the *Engliſh* had done the great Work, the *Engliſh* had got the Day, and then pleaſe themſelves with the Imagination what Wonders they ſhould perform in the Head of ſuch an Army: And therefore when his Majeſty is ſo entirely poſſeſſed of the Affection and Obedience of his Army, and when it hath merited ſo much from him, can it be believed or imagined that he can without ſome great Regret part with them? No: *My Lords and Gentlemen*, he will never part with them; and the only ſure Way never to part with them is to diſband them: Should it be otherwiſe, he muſt be expoſed to the daily Importunity of his great Neighbours and Allies; and how could he refuſe to lend them his Troops, of which he hath no uſe himſelf? His Majeſty knows they are too good *Engliſhmen* to wiſh that a Standing Army ſhould be kept up in the Bowels of their own Countrey; that they who did but *in Bello pacis gerere Negotium*, and who, whilſt an Army lived like Good Husbandmen in the Country, and good Citizens in the City, will now become really ſuch, and take Delight in the Benefit of that Peace they have ſo honeſtly and ſo wonderfully brought to paſs: The King will part with them, as the moſt indulgent Parents part with their Children, for their Education, and for their Preferment; he will 1660.

1660. 'will prefer them to disbanding, and will al-
'ways retain such a Kindness for them, and
'such a Memory of the Service they have
'done him, that both Officers and Soldiers,
'after they are disbanded, shall always find
'such Countenance, Favour, and Reward from
'his Majesty, that he doubts not but if he
'should have Occasion to use their Service,
'they will again resort to him with the same
'Alacrity as if they had never been disband-
'ed: And if there be any so Ill amongst them,
'(as there can be but very few, if any,) who
'will forfeit that Favour and Protection they
'may have from him, by withstanding any
'his Majesty's Commands, and the full and
'declared Sense of the Kingdom, his Majesty
'is confident they will be as odious to their
'Companions, as they can be to any other Ho-
'nest Men.

'*MY Lords and Gentlemen*, I am in the
'next place, by the King's Command, to put
'you in mind of the Act of Indempnity; not
'of any Grants or Concessions, or Releases he
'made to you in that Act, I have nothing of
'that in Charge: No Prince hath so Excellent
'a Memory to forget the Favours he doth;
'but of what he hath done against you in that
'Act, how you may be undone by that Act,
'if you are not very careful to perform the
'Obligations he hath laid upon you in it:
'The Clause I am to put you in Mind of is
'this, *And to the Intent and Purpose that all*
'*Names and Terms of Distinction may be like-*
'*wise put into utter Oblivion, be it further*
'*Enacted by the Authority aforesaid, That if*
'*any Person or Persons, within the Space of Three*
'*Years next ensuing, shall presume Maliciously*
'*to call, or alledge, or object against any other Per-*
'*son*

ſon or Perſons, any Name or Names, or other Words of Reproach, any Way leading to revive the Memory of the late Differences, or the Occaſion thereof, that then every ſuch Perſon, ſo as aforeſaid Offending, ſhall forfeit, &c. It 1660.
'is no Matter for the Penalty, it is too cheap
'a one; the King wiſhes it had been greater,
'and therefore hath by his juſt Prerogative
'(and 'tis well for us he hath ſuch a Prerogative) added another Penalty more inſupportable, even his high Diſpleaſure againſt all
'who ſhall ſwerve from this Clauſe in the
'Act. Give me leave to tell you, That as any
'Name or Names, or other Words of Reproach, are expreſly againſt the Letter, and
'puniſhable accordingly, ſo Evil and Envious
'Looks, Murmuring and Diſcontented Hearts,
'are as directly againſt the Equity of this Statute, a direct Breach of the Act of Indempnity, and ought to be puniſhed too; and I believe they may be ſo. You know Kings are
'in ſome Senſe called Gods, and ſo they may in
'ſome Degree be able to look into Men's
'Hearts; and God hath given us a King who
'can look as far into Men's Hearts as any Prince
'alive; and he hath great Skill in Phyſiognomy too; you would wonder what Calculations he hath made from thence: And no doubt,
'if he be provoked by evil Looks, to make a
'further Enquiry into Men's Hearts, and finds
'thoſe corrupted with the Paſſions of Envy and
'Uncharitableneſs, He will never chuſe thoſe
'Hearts to truſt and relye upon. He hath given us a Noble and Princely Example, by opening and ſtretching His Arms to all, who
'are worthy to be His Subjects, worthy to be
'thought *Engliſhmen*, by extending His Heart
'with a Pious and a Grateful Joy to find all

1660. ‘ His Subjects at once in His Arms, and himſelf in theirs: And ſhall we fold our Arms towards one another, and contract our Hearts with Envy and Malice to each other, by any ſharp Memory of what hath been Unneighbourly or Unkindly done heretofore? What is this but to rebel againſt the Perſon of the King, againſt the Excellent Example and Vertue of the King, againſt the known Law of the Land, this Bleſſed Act of Oblivion?

‘ *MY Lords and Gentlemen*, The King is a Suitor to you, makes it his Suit very heartily, That you will join with Him in reſtoring the whole Nation to its Primitive Temper and Integrity, to its old good Manners, its old good Humour, and its old good Nature; Good Nature, a Vertue ſo peculiar to you, ſo appropriated by God Almighty to this Nation, that it can be tranſlated into no other Language, hardly practiced by any other People, and that you will by your Example, by the Candor of your Converſation, by your Precepts, and by your Practice, and by all your Intereſt, teach your Neighbours and your Friends how to pay a full Obedience to this Clauſe of the Statute, how to learn this Excellent Art of Forgetfulneſs.

‘ LET them remember, and let us all remember how Ungracious, how Indecent, how Uggly, the Inſolence, the Fierceneſs, the Bruitiſhneſs of their Enemies appeared to them; and we may piouſly and reaſonably believe, that God's Indignation againſt them, for their Want of Bowels, for their not being *Engliſhmen*, (for they had the Hearts of Pagans and Infidels) ſent a Whirlwind in a Moment to blow them out of the World, that is, out of a Capacity to do more Miſchief in the World,

‘ ex-

'except we practiſe their Vices, and do that 1660.
'our ſelves which we pretend to deteſt them
'for: Let us not be too much aſhamed, as
'if what hath been done amiſs proceeded
'from the Humour, and the Temper, and the
'Nature of our Nation. The *Aſtrologers* have
'made us a fair Excuſe, and truly I hope a
'true one; all the Motions of theſe laſt Twen-
'ty Years have been unnatural, and have pro-
'ceeded from the Evil Influence of a Malig-
'nant Star; and let us not too much deſpiſe
'the Influence of the Stars. And the ſame
'*Aſtrologers* aſſure us, that the Malignity of the
'Star is expired, the good Genius of this King-
'dom is become Superior, and hath maſtered
'that Malignity, and our good old Stars go-
'vern us again, and their Influence is ſo
'ſtrong, that with our Help they will repair
'in a Year what hath been decaying in Twen-
'ty; and they only ſhall have no Excuſe from
'the Star, who continue their Malignity, and
'own all the ill that is paſt to be their own,
'by continuing and improving it for the Time
'to come.

'IF any Body here, or any where elſe, be
'too much exalted with what he hath done,
'or what he hath ſuffered, and from thence
'thinks himſelf warranted to reproach others,
'let him remember the Story of *Nicephorus*; it
'is an excellent Story, and very applicable to
'ſuch Diſtempers: He was a Pious and Reli-
'gious Man, and for his Piety and Religion
'was condemned to the Fire; when he was
'led to Execution, and when an old Friend,
'who had done him Injury enough, fell at his
'Feet, and asked his Pardon, the poor Man
'was ſo elated with the Triumph he was go-
'ing unto, with the Glory of Martyrdom, that

1660. 'he refuſed to be reconciled unto him; upon 'which he was diſappointed of his End; and 'for this Uncharitableneſs the Spirit of God 'immediately forſook him, and he apoſtatized 'from the Faith. Let all thoſe who are too 'proud of having been, as they think, leſs 'faulty than other Men, and ſo are unwilling 'to be reconciled to thoſe who have offended 'them, take heed of the Apoſtacy of *Nice-* '*phorus*, and that thoſe Fumes of Envy and 'Uncharitableneſs, and Murmuring, do not ſo 'far tranſport and intoxicate them, that they 'fall into thoſe very Crimes they value them-'ſelves for having hitherto declined.

'BUT, *my Lords and Gentlemen*, whilſt 'we conſpire together, to execute faithfully 'this Part of the Bill, to put all old Names 'and Terms of Diſtinction into utter Oblivi-'on, let us not find new Names and Terms 'to keep up the ſame, or a worſe Diſtinction: 'If the old Reproaches of Cavalier, and 'Roundhead, and Malignant, be committed 'to the Grave, let us not find more ſignificant 'and better Words, to ſignifie worſe Things; 'let not Piety and Godlineſs grow into Terms 'of Reproach, and diſtinguiſh between the 'Court, and the City, and the Country; and 'let not Piety and Godlineſs be meaſured by 'a Moroſity in Manners, an Affectation of Ge-'ſture, a new Mode and Tone of Speaking; 'at leaſt, let not our Conſtitutions and Com-'plexions make us be thought of a contrary 'Party; and becauſe we have not an affected 'Auſterity in our Hearts. Very Merry Men 'have been very Godly Men; and if a good 'Conſcience be a continual Feaſt, there is no 'Reaſon but Men may be very Merry at it.

'YOU,

1660.

'YOU, Mr. *Speaker*, have this Day made 'a Noble Preſent to the King. Do you think 'that if you and your Companions had brought 'it up with Folded Arms, Down-caſt Looks, 'with Sighs, and other Inſtances of Deſpera-'tion, it would not have been a very Melan-'cholly Preſent? Have not your Frank and 'Dutiful Expreſſions, that Chearfulneſs and 'Vivacity in your Looks, rendred it much 'more acceptable, much more valuable? No 'Prince in Chriſtendom loves a Chearful Giver 'ſo well as *God Almighty* does, and he of all 'Gifts, a Chearful Heart; and therefore I pray 'let not a Cloudy and Diſconſolate Face be 'the only, or the beſt Sign of Piety and De-'votion in the Heart.

'I MUST ask your Pardon for miſplacing 'much of this Diſcourſe, which I ſhould have 'mentioned, when I came to ſpeak of the Mini-'ſters Bill; they, I hope, will endeavour to 'remove theſe new Marks of Diſtinction and 'Reproaches, and keep their Auditories from 'being impoſed upon by ſuch Characters and 'Deſcriptions. The King hath paſſed this *Act* 'very willingly, and done much to the end of 'this *Act* before, yet hath willingly admitted 'You to be Sharers and Partners with Him in 'the Obligation: I may ſay confidently His 'Majeſty hath never denied his Confirmation 'to any Man in Poſſeſſion who hath asked it; 'and they have all had the Effect of it, ex-'cept ſuch, who upon Examination and Enqui-'ry appeared not worthy of it; and ſuch, 'who tho' they are pardoned, cannot yet think 'themſelves worthy to be preferr'd. His Ma-'jeſty well knows that by this Act he hath 'gratified and obliged many worthy and pi-'ous Men, who have contributed much to his

1660. ‘ Reſtauration, and who ſhall always receive ‘ freſh Evidence of His Majeſty's Favour and ‘ Kindneſs, but he is not ſure that he may not ‘ likewiſe have gratified ſome who did neither ‘ contribute to his coming in, nor are yet glad ‘ that he is in: How comes it elſe to paſs that ‘ he receives ſuch frequent Information of Se- ‘ ditious Sermons in the City, and in the ‘ Country, in which all Induſtry is uſed to alie- ‘ nate the Affections of the People, and to in- ‘ fuſe Jealouſies into them of the King and his ‘ Government? They talk of introducing Po- ‘ pery, of evil Counſellors, and ſuch other old ‘ Calumnies as are pardoned by this Act of In- ‘ dempnity.

‘ HIS Majeſty told You when He was laſt ‘ here, what Rigor and Severity He will here- ‘ after uſe, how contrary ſoever it is to His ‘ Nature, in theſe Caſes; and conjured You, ‘ *my Lords and Gentlemen*, to concur with ‘ Him in this Juſt and Neceſſary Severity, ‘ which I am ſure You will do with Your ut- ‘ moſt Vigilance, and that You will believe ‘ that too much Ill cannot befal thoſe who do ‘ the beſt they can to corrupt His Majeſty's Na- ‘ ture, and to extinguiſh His Mercy.

‘ *My Lords and Gentlemen*, I told You I ‘ was to acquaint You with ſome Things His ‘ Majeſty intends to do during this Receſs, ‘ that You may ſee He will give no Intermiſſi- ‘ on to his own Thoughts for the Publick Good, ‘ tho' for a Time He diſpences with Your Aſſi- ‘ ſtance.

‘ HE doth conſider the Infinite Importance ‘ the Improvement of Trade muſt be to this ‘ Kingdom, and therefore His Majeſty intends ‘ forthwith to eſtabliſh a Council for Trade, ‘ conſiſting of ſome principal Merchants of the

‘ ſeveral

'several Companies; to which He will add some 1660.
'Gentlemen of Quality and Experience; and
'for their greater Honour and Encourage-
'ment, some of my Lords of His Own Privy-
'Council.

'IN the next Place, His Majesty hopes that
'by a well-settled Peace, and God's great Bles-
'sing upon Him and You, this Nation will in
'a short Time flourish to that degree that the
'Land of *Canaan* did, when *Esau* found it ne-
'cessary to part from his Brother. For their
'Riches were more than that they might
'dwell together, and the Land wherein they
'were could not bear them, because of their
'Cattle. We have been Our Selves very near
'this Pinacle of Happiness, and the Hope and
'Contemplation that We may be so again, dis-
'poses the King to be very solicitous for the
'Improvement and Prosperity of His Plantati-
'ons abroad, where there is such large Room
'for the Industry and Reception of such who
'shall desire to go thither; and therefore His
'Majesty likewise intends to erect and esta-
'blish a Council for those Plantations, in
'which Persons well qualified shall be whol-
'ly intent upon the Good and Advancement
'of those Plantations.

'There are Two other Particulars, which I
'am commanded to mention, which were
'both mentioned and recommended to You
'by His Majesty in His Declaration from *Breda*:
'The one, for the Confirmation of Sales, or o-
'ther Recompence for Purchasers; the other,
'for the composing those Differences and Di-
'stempers in Religion, which have too much
'disturbed the Peace of the Kingdom. Two
'very weighty Particulars, in which His Ma-
'jesty knows You have spent much Time, and

1660. ‘ Reſtauration, and who ſhall always receive ‘ freſh Evidence of His Majeſty's Favour and ‘ Kindneſs, but he is not ſure that he may not ‘ likewiſe have gratified ſome who did neither ‘ contribute to his coming in, nor are yet glad ‘ that he is in: How comes it elſe to paſs that ‘ he receives ſuch frequent Information of Se- ‘ ditious Sermons in the City, and in the ‘ Country, in which all Induſtry is uſed to alie- ‘ nate the Affections of the People, and to in- ‘ fuſe Jealouſies into them of the King and his ‘ Government? They talk of introducing Po- ‘ pery, of evil Counſellors, and ſuch other old ‘ Calumnies as are pardoned by this Act of In- ‘ dempnity.

‘ HIS Majeſty told You when He was laſt ‘ here, what Rigor and Severity He will here- ‘ after uſe, how contrary ſoever it is to His ‘ Nature, in theſe Caſes; and conjured You, ‘ *my Lords and Gentlemen*, to concur with ‘ Him in this Juſt and Neceſſary Severity, ‘ which I am ſure You will do with Your ut- ‘ moſt Vigilance, and that You will believe ‘ that too much Ill cannot befal thoſe who do ‘ the beſt they can to corrupt His Majeſty's Na- ‘ ture, and to extinguiſh His Mercy.

‘ *My Lords and Gentlemen*, I told You I ‘ was to acquaint You with ſome Things His ‘ Majeſty intends to do during this Receſs, ‘ that You may ſee He will give no Intermiſſi- ‘ on to his own Thoughts for the Publick Good, ‘ tho' for a Time He diſpences with Your Aſſi- ‘ ſtance.

‘ HE doth conſider the Infinite Importance ‘ the Improvement of Trade muſt be to this ‘ Kingdom, and therefore His Majeſty intends ‘ forthwith to eſtabliſh a Council for Trade, ‘ conſiſting of ſome principal Merchants of the ‘ ſeveral

'several Companies, to which He will add some 1660.
'Gentlemen of Quality and Experience; and
'for their greater Honour and Encourage-
'ment, some of my Lords of His Own Privy-
'Council.

'IN the next Place, His Majesty hopes that
'by a well-settled Peace, and God's great Bles-
'sing upon Him and You, this Nation will in
'a short Time flourish to that degree that the
'Land of *Canaan* did, when *Esau* found it ne-
'cessary to part from his Brother. For their
'Riches were more than that they might
'dwell together, and the Land wherein they
'were could not bear them, because of their
'Cattle. We have been Our Selves very near
'this Pinacle of Happiness, and the Hope and
'Contemplation that We may be so again, dis-
'poses the King to be very solicitous for the
'Improvement and Prosperity of His Plantati-
'ons abroad, where there is such large Room
'for the Industry and Reception of such who
'shall desire to go thither; and therefore His
'Majesty likewise intends to erect and esta-
'blish a Council for those Plantations, in
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'by His Majesty in His Declaration from *Breda*:
'The one, for the Confirmation of Sales, or o-
'ther Recompence for Purchasers; the other,
'for the composing those Differences and Di-
'stempers in Religion, which have too much
'disturbed the Peace of the Kingdom. Two
'very weighty Particulars, in which His Ma-
'jesty knows You have spent much Time, and

1660. 'cerning which, He ſhould have heard from 'You before this Time, if You had not met 'with great Difficulties in the Diſquiſition of 'either.

'FOR the firſt, His Majeſty hath not been 'without much Thought upon the Argument, 'and hath done much towards the Accommo-'dation of many particular Perſons, and You 'ſhall not be at Your Journey's End, before His 'Majeſty will put that Buſineſs concerning 'Sales into ſuch a Way of Diſpatch, that he 'doubts not You will find a good Progreſs 'made in it before Your Coming together again, 'and I believe the Perſons concerned will be 'very much to blame, if they receive not good 'Satisfaction; and ſome of You who ſtay in 'Town ſhall be adviſed and conſulted with in 'that Settlement.

'THE other, of Religion, is a ſad Argument 'indeed; it is a Conſideration that muſt make 'every Religious Heart to bleed, to ſee Reli-'gion, which ſhould be the ſtrongeſt Obliga-'tion and Cement of Affection, and Brotherly 'Kindneſs and Compaſſion, made now by the 'perverſe Wranglings of Paſſionate and Fro-'ward Men, the Ground of all Animoſity, Ha-'tred, Malice and Revenge: And this Unruly 'and Unmanly Paſſion (which no queſtion the 'Divine Nature exceedingly abhors) ſome-'times, and I fear too frequently, tranſports 'thoſe who are in the right, as well as thoſe 'who are in the wrong, and leaves the latter 'more excuſable than the former, when Men, 'who find their Manners and Diſpoſitions very 'conformable in all the neceſſary Obligations 'of Humane Nature, avoid one another's Con-'verſation, and grow firſt unſociable, and then 'uncharitable to each other, becauſe one can-

'not

'not think as the other doth: And from this 1660.
'Separation we entitle God to the Patronage
'of, and Concernment in our Fancies and Di-
'ſtinction, and purely for his Sake hate one
'another Heartily. It was not ſo of old, when
'one of the moſt Ancient Fathers of the Church
'tells us that Love and Charity was ſo ſig-
'nal and eminent in the Primitive Chriſtians,
'that it even drew Admiration and Envy from
'their Adverſaries, *Vide inquiunt ut invicem ſe*
'*diligat*: Their Adverſaries in that in which
'they moſt agreed, in their very Proſecution
'of them, had their Paſſions and Animoſities
'amongſt themſelves; they were only Chriſtians
'that Loved, and Cheriſhed, and Comforted,
'and were ready to die for one another; *Quid*
'*nunc illi dicerent Chriſtiani, ſi noſtra viderent*
'*tempora*, ſays the incomparable *Grotius*:
'How would they look upon our ſharp and vi-
'rulent Contentions in the Debates of *Chriſtian*
'*Religion*, and the Bloody Wars that have
'proceeded from thoſe Contentions, whilſt eve-
'ry one pretended to all the Marks which are
'to attend upon the true Church, except only
'that which is inſeparable from it, *Charity to*
'*one another*.

'*MY Lords and Gentlemen*, This Diſquiſi-
'tion hath coſt the King many a Sigh, many a
'ſad Hour, when he hath conſidered the almoſt
'irreparable Reproach the *Proteſtant Religion*
'hath undergone, from the Diviſions and Di-
'ſtractions which hath been ſo notorious with-
'in this Kingdom. What Pains he hath taken
'to compoſe them, after ſeveral Diſcourſes
'with the Learned and Pious Men of different
'Perſwaſions, you will ſhortly ſee, by a *De-*
'*claration* he will publiſh upon that Occaſion,
'by which you will ſee his great Indulgence

to

1660. 'to thoſe who can have any Protection from 'Conſcience to differ with their Brethren: And 'I hope God will ſo bleſs the Candor of His 'Majeſty in the Condeſcentions he makes, that 'the Church, as well as the State, will return 'to that Unity and Unanimity, which will 'make both King and People as happy as they 'can hope to be in this World.

'MY Lords and Gentlemen, I ſhall conclude 'with the King's Hearty Thanks to you, not 'only for what you have done towards him, 'which hath been very Signal, but for what 'you have done towards each other, for the 'Excellent Correſpondence you have main-'tain'd; for the very ſeaſonable Deference and 'Condeſcention you have had for each other, 'which will reſtore *Parliaments* to the Vene-'ration they ought to have. And ſince His 'Majeſty knows that you all deſire to pleaſe 'him, you have given him Ample Evidence 'that you do ſo; he hath appointed me to 'give you a ſure Receipt to attain that Good 'End, it is a Receipt of his own preſcribing, 'and therefore is not like to fail.

'BE but pleaſed your ſelves, and perſwade 'others to be ſo; contrive all the Ways imagi-'nable for your own Happineſs, and you will 'make him the beſt pleaſed, and the moſt 'Happy Prince in the World.

NOTHING ſeem'd now to blow on all Sides but Gales of Proſperity to the King and the whole Nation, and none ſo much Courted and Careſſed as the Lord Chancellor, of all the Miniſters, whereof he indeed was the Chief, and moſt Capable; and *William* Duke of *Somerſet* giving Way to Fate in the Month of *October* this Year, the Univerſity of *Oxford* were pleaſed to make Choice

'of

of Sir *Edward Hide* to be their Chancellor in his Room. About the ſame time he was one of thoſe Lords put in a Commiſſion of Oyer and Terminer to try the Regicides; and His Majeſty on the 3d of *November* was pleaſed, in Gratitude for the Long and Faithful Services of my Lord Chancellor, and as an Inſtance of his Royal Favour, to raiſe him to the Decree of a Baron of *England*, by the Title of Lord *Hide* of *Hindon*, in the County of *Wilts*, and on the 20th of *April* 1661 he created him Viſcount *Cornbury* in the County of *Oxford*, and Earl of *Clarendon* in *Wiltſhire*, with Ceremony in the Banquetting-Houſe at *Whitehall*; Three Days before his Majeſty's Coronation, being the firſt of the Six Earls, who were made againſt that Solemnity. 1660.

BUT to return to the Proceedings of the Parliament, and the laſt Part the Lord Chancellor acted therein. It's out of our Way to inſiſt upon what they did from the Sixth of *November* to the 29th of *December*, the Day of their Diſſolution; you will ſee what the King ſays of them in his Speech, but more at large, you have their Actions and Character, with other Circumſtances of Things, at that time more amply depeinted to you by that of my Lord Chancellor, and both of them here follow in their own Words, with the Intervention of a Remark or Two upon the firſt of them.

'*MY Lords and Gentlemen*, I will not entertain you with a long Diſcourſe; the Sum of all I have to ſay to you being but to give you Thanks, very Hearty Thanks; and I aſſure you I find it a very difficult Work to ſatisfie my ſelf in my own Expreſſions of thoſe Thanks, Perfunctory Thanks, Ordinary Thanks for Ordinary Civilities are eaſily given; but when the Heart is as full as mine is,

1660. ‘is, it is a Labour to thank you You have ta-
‘ken great Pains to oblige me, and therefore it
‘cannot be eaſie for me to expreſs the Sence I
‘have of it.

‘I will enlarge no further to you upon this
‘Occaſion, than to tell you, That when God
‘brought me hither, I brought with me
‘an Extraordinary Affection and Eſteem
‘for Parliaments. I need not tell you
‘how much it is improved by your Car-
‘riage towards me. You have out-done all
‘the good and obliging Acts of your Predeceſ-
‘ſors towards the Crown; and therefore you
‘cannot but believe my Heart is exceedingly
‘enlarged with the Acknowledgment.

‘MANY former Parliaments have had par-
‘ticular Denominations from what they have
‘done; they have been ſtiled, *Learned* and
‘*Unlearned*, and ſometimes have had worſe
‘Epithites; I pray let us all Reſolve that this
‘be for ever called, *The Healing and the Bleſſed*
‘*Parliament*.

‘AS I thank you, though not enough, for
‘what you have done, ſo I have not the leaſt
‘doubt by the Bleſſing of God, but when I
‘ſhall call the next Parliament, which I ſhall
‘do as ſoon as reaſonably you can expect or
‘deſire, I ſhall receive your Thanks for what
‘I have done ſince I parted with you: For I
‘deal truly with you, I ſhall not more pro-
‘poſe any one Rule to my ſelf, in my Actions,
‘and my Counſels, than this, *What is a Par-*
‘*liament like to think of this Action, or this*
‘*Council?* And it ſhall be Want of Under-
‘ſtanding in me, if it will not bear that Teſt.

‘I ſhall conclude with this, which I cannot
‘ſay too often, nor you too often, where you
‘go, that next to the Miraculous Bleſſing of

‘God

God Almighty, and indeed, as an immediate Effect of that Bleſſing, I do impute the good Diſpoſition and Security we are all in, to the happy Act of Indempnity and Oblivion, that is the Principal Corner-ſtone which ſupports this Excellent Building, that creates Kindneſs in us to each other; and Confidence is our Joint and Common Security. 'You may be ſure I will not only obſerve it 'Religiouſly and Inviolably my ſelf, but alſo 'exact the Obſervation of it from others: And 'if any Perſon ſhould ever have the Boldneſs 'to attempt to perſwade me to the contrary, he 'will find ſuch an Acceptation from me as he 'would have, who ſhould perſwade me to burn '*Magna Charta*, Cancel all the Old Laws, and 'to erect a New Government after my own 'Invention and Appetite. 1660.

'THERE are many other Particulars which 'I will not truſt my own Memory with, but will 'require the Chancellor to ſay the reſt to you.

IT's very well known that the Earl of *Briſtol* in the Year 1663 accuſed the Lord Chancellor among other Things of aſſuming the Supream Dictatorſhip of Affairs in the Kingdom; and the Parliament did no leſs by the Noble Earl in 1667, of both which more by and by: And ſo it muſt be allowed and believed by all Impartial Men, if we conſider the great Favour the Earl was yet in, and the happy Talent he was endowed with, in preparing Things of this Kind, for Publick View, as well as the long and happy Experience His Majeſty had had of his great Abilities this Way, that he was the Compiler of this Speech; wherein there is more particularly one Expreſſion that deſerves to be writ in Characters of Gold, *viz. That he ſhould not more propoſe any one Rule to himſelf*

1660. *ſelf in his Actions and Councils than this, what is a Parliament like to think of this Action, or this Council?* To do this Prince Juſtice, this was the Council he ſteadily purſued, while the Earl of *Clarendon* continued in high Favour with him, which did not laſt in this extream Degree much above a Year and Nine Months after this; tho' 'tis true, he frequently adviſed with him afterwards: There came on in Time another Set of Favourites, who had neither the Wiſdom nor the Integrity of the Lord Chancellor, who by Degrees brought him to ſlight, then to hector, and laſt of all, to abhor Parliaments, by countenancing thoſe Miſcreants that petitioned him againſt the Sitting of them: A Practice never any of his Predeceſſors was guilty of: The Truth of this is very well known to many Perſons ſtill living, and ſo far as it relates to the Honour and Vindication of the Earl of *Clarendon*, will appear clearly enough, before we go through with this Hiſtory of his Life. But now to the Chancellor's moſt Excellent Speech, which ran in theſe Words.

'MY Lords, and you the Knights, Citizens, 'and Burgeſſes of the Houſe of Commons; 'there cannot be a greater Manifeſtation of an 'Excellent Temper and Harmony of Affecti'on throughout the Nation, than that the 'King and his Two Houſes of Parliament meet 'with the ſame Affections and Cheerfulneſs, 'the ſame Alacrity in their Countenance at 'Diſſolution, as when they met at the Con'vention of Parliament: It is an unqueſtiona'ble Evidence, that they are exceedingly ſatis'fied in what they have done towards each o'ther, that they have very well done all the 'Buſineſs they came about: This is now your 'Caſe, you have ſo well ſatisfied your own

'Con-

Conſciences, that you are ſure you have ſatisfied the King's Expectation, and his Hope, and the Deſires and Wiſhes of the Country. It was very juſtly obſerved by you, Mr. *Speaker*, that you have never asked any one Thing of the King, which he hath not with all imaginable Cheerfulneſs granted; and in Truth His Majeſty doth with great Comfort acknowledge that you have been ſo far from denying him any thing he hath asked, that he hath ſcarce wiſhed any thing that you have not granted, and it is no wonder, that having ſo fully complyed with your Obligations, and having ſo well compoſed the Minds of the Nation, you are now willing to be relieved from this extraordinary Fatigue you have ſubmitted to, and to return to the Conſideration of your own particular Affairs, which you have ſo long ſacrificed to the Publick; and this reaſonable Wiſh and Deſire hath brought the King to comply with you, and which nothing elſe could do, to part with you with an equal Cheerfulneſs; and he makes no doubt but all ſucceeding Parliaments will pay you their Thanks for all you have done, and look upon your Actions and your Example with all poſſible Approbation and Reverence. 1660.

THE King and you have given ſuch Earneſt to each other of your Mutual Affection, you have been ſo exact and punctual in your Proceedings towards each other, that you have made no Promiſe, no Profeſſion to each other, of the making good, and performing of which the World is not Witneſs: You declared at the Adjournment in *September* laſt your Reſolution to ſettle a Noble Revenue on the Crown: You have done it with all the Circumſtances

1660. ‘cumſtances of Affection and Prudence. The ‘King promiſed you to eſtabliſh a Council for ‘Trade, a Council for the Foreign Plantations, ‘a Commiſſion for Compoſing all Difference ‘upon Sales; all this he did before your com‘ing together, and with very good Effect; ‘and you ſhall hear that the Proceedings in ‘every one of them are more vigorous and ‘effectual after your Diſſolution: His Majeſty ‘then promiſed you that he would give up all ‘his Endeavours to compoſe the unhappy diffe‘rences in Matters of Religion, and to reſtore ‘the languiſhing Church to Peace, Unity and ‘Order: *Conſtantine* himſelf hardly ſpent ſo ‘much of his own Time in private and pub‘lick Conferences to that Purpoſe; His Ma‘jeſty in private conferred with the Learned ‘Men, and heard all that could be ſaid upon ‘ſeveral Opinions and Intereſts apart, and then ‘in the Preſence of both Parties, himſelf mo‘derating in the Debates, (and leſs Care, ‘Diligence and Authority would not have done ‘the Work) and God hath ſo bleſſed his La‘bour, and made his Determinations in that ‘Affair ſo generally agreeable, that he hath ‘received Thanks from His Houſes of Parlia‘ment, that is, from the whole Kingdom: ‘If after all this His Majeſty doth not reap ‘the full Harveſt he expected from thoſe Con‘deſcentions; if ſome Men, by their Writing, ‘and by their Preachings endeavour to conti‘nue thoſe Breaches, and very raſhly, and I ‘think unconſcientiouſly keep up the Diſtinctions, and publickly juſtifie and maintain what ‘hath heretofore been done amiſs, and for ‘which the Act of Indempnity was the beſt ‘Defence; I ſhall ſay no more, than that I ‘hope their Want of Modeſty and Obedience

‘will

'will cauſe them to be diſclaimed by all Pious and Peaceable Men, who cannot but be well contented to ſee them reduced by Law to the Obedience they owe to Law. And his Majeſty is confident, that his Beloved City, towards which his Heart is ſo Gracious, and ſo full of Princely Deſigns to improv their Honour, their Wealth, and their Beauty, will Diſcountenance all thoſe Seditious Deſigns, and by returning and fixing themſelves upon their good Old Foundations, make themſelves the Great Example of Piety, of Loyalty, and of Hearty Affection to the whole Kingdom. 1660.

'THIS Diſcourſe puts me in mind to ſay to you, that though the King wonders much more at the many great Things you have done, than that you have left any thing undone, yet he could have wiſhed, and would have been glad, that your other weighty Affairs had given you time to have publiſhed your Opinion and Advice in the Buſineſs of the *Militia*, that the People after ſo many Diſputes upon that Argument, might have diſcerned that the King, and his Two Houſes of Parliament, are as much of the ſame Mind in that, as in all other things, as no doubt they are. But ſince that could not be done, you may all aſſure your ſelves that the King will proceed therein with all imaginable Care and Circumſpection, for the Eaſe, Quiet and Security of his People: And as he did before the laſt Receſs, by the unanimous Advice of his Privy Council, iſſue out his Commiſſions of Lieutenancy for the ſettling the *Militia* in ſeveral Counties, to prevent any Diſorders which many apprehended might ariſe upon the diſbanding the Army, ſo he

1660. will now again recommend it to them to keep themſelves in ſuch a Poſture as may diſappoint any Seditious Deſigns which are now on Foot; and there cannot be too much Circumſpection and Vigilance to fruſtrate their Deſigns. You have heard of many ſuſpected and dangerous Perſons which have been lately clapped up, and it was high time to look about: His Majeſty hath ſpent many Hours himſelf in the Examination of this Buſineſs; and ſome of the Principal Officers, who before they came to his Majeſty's Preſence could not be brought to acknowledge any thing, after the King himſelf had ſpoken to them, confeſſed that their Spirits were inſenſibly prevailed upon, and ſubdued, and that it was not in their Power to conceal the Guilt from him. They have confeſſed, that there is a Party of the late disbanded Officers Soldiers, and others, full of Diſcontent and Seditious Purpoſes, and a Reſolution to attempt the Change of the preſent Government, and to erect the Republick. They acknowledge that they did purpoſe to have made their attempt for the Reſcue of their Wretches, who were ſo juſtly condemned at *Newgate*, and ſo worthily executed; and that *Ludlow* ſhould then have appear'd in the Head of them; that they made themſelves ſure at the ſame time, by Parties and Confederacy, to have ſurpriz'd the Tower of *London*, and the Caſtle of *Windſor*; but that they found, or at leaſt apprehended, that their Deſign was diſcovered; which ſo broke their Spirits, that they concluded they muſt acquieſce for the preſent, and ſtay till the Army ſhould be disbanded, which they ſaid was generally debauched, that is, returned to an honeſt and faſt Obe-

'dience to the King; and that it was evident 1660.
'they were betrayed by those who were most
'entirely trusted by them; and they were
'in the Right: The King had notice of all their
'Design, what Progress it made, and the
'Night they intended to surprize the *Tower*
'and *Windsor*, and gave notice to the several
'Governours; and so without any Noise, that
'Mischief was by God's Goodness prevented.
'They acknowledge that they have since reco-
'vered their Courage and Resolution, and
'were about this time to make their full At-
'tempt; they have been promised some con-
'siderable Rising in the West under *Ludlow*, and
'in the North under others, but this Place
'was the Scene of greatest Hope; they made
'sure of a Body here, I think they say of Two
'Thousand Five Hundred Men, with which
'they resolved in the first place to secure
'(you know what that Security is) the
'Person of the General, the Duke of *Albemarle*
'with whom they have so much Reason to be
'Angry, and at the same time to possess them-
'selves of *Whitehall*. You know the Method
'used in this possessing, *Kill, and take Possession*;
'and this unsupportable Calamity God hath
'again diverted from us; though I must tell
'you, the poor Men who seem to speak honest-
'ly, and upon the Impulsion of Conscience,
'are very far from being confident that there
'will not be some desperate Insurrections and
'Attempts in several Parts of the Kingdom
'within a short time, which all possible Care
'will be taken to prevent: And in truth this
'very good City so well requires the King's
'abundant Grace and Kindness to it, that not
'only by the unwearied Pains and Dili-
'gence of the Worthy Lord Major, but by the
'general Temper and Constitution of the

1660. 'whole City, the diſcontented and ſeditious Party (which can never be totally extirpated out of ſuch a *Metropolis*) is like to receive little Encouragement to purſue their deſperate Counſels.

'THE King doth not believe that all thoſe Perſons who at preſent are apprehended, and in Cuſtody, will be found guilty of this Treaſon; it is a vulgar and known Artifice, to corrupt Inferiour Perſons, by perſwading them, that better Men are ingaged in the ſame Enterprize; and the King will make as much haſte as he can to ſet thoſe at Liberty, againſt whom the Evidence or Suſpicion is not too reaſonable: In the mean time, they who are in truth Innocent, muſt confeſs that the proceeding towards them, hath been very Natural and full of Clemency; and no Man will wonder, if his Majeſty be very deſirous that in this Conjuncture, and in order to prevent, or ſuppreſs theſe two viſible Diſtempers and Machinations, his Militia in all Places be in good Order and Preparation: And you may aſſure your ſelves, that in the Forming and Conduct of it, he will have ſo great a Care of the Eaſe and Quiet of his People, that if any Perſon truſted by him, ſhall through want of Skill, or want of Temper, ſatisfie his own Paſſion or Appetite, in Grieving or Vexing his Neighbours, his Majeſty will be ſo ſenſible of it, that if it can be cured no other way, his Truſt ſhall be quickly determined, and he is not at all reſerved in giving thoſe Animadverſions and Reprehenſions, when there is Occaſion; and his Ears will be always open to receive thoſe Complaints.

'*My Lords and Gentlemen*, You are now returning to your Countries to the Thanks and

'Ac-

'Acknowledgments of your Friends and Neighbours, for the great Things you have done, and 'to make the Burthens you have laid upon 'them eaſie, by convincing them of the inevitable Neceſſity, of their ſubmitting to them; 'you will make them ſee that you have proceeded very far towards the Separation, and 'even Divorce of that Neceſſity from them, to 'which they have been ſo long married; that 'they are now reſtored to that Bleſſed 'Temper of Government, under which their 'Anceſtors enjoyed, for ſo many Hundred Years, 'that full Meaſure of Felicity, and the Miſery 'of being deprived of which they have ſo ſenſibly felt, that they are now free from thoſe 'Midnight Alarms, with which they have been 'terrified, and riſe out of their Beds at their 'own Healthy Hours, without being ſaluted 'with the Death of a Husband, a Son, and 'Friend, miſerably killed the Night or the 'Day before, and with ſuch Circumſtances 'killed, as improved the Miſery beyond the 'Loſs its ſelf; this Enfranchiſement is worth 'all they pay for it: Your Lordſhips will eaſily recover that Eſtimation and Reverence that 'is due to your high Condition, by the Exerciſe and Practice of that Vertue, from whence 'your Honours firſt Sprang; the Example of 'your Juſtice and Piety will inflame the Hearts 'of the People towards you; and from your 'Practice, they will make a Judgment of the 'King himſelf: They know very well, that 'you are not only admitted to his Preſence, 'but to his Converſation, and even in a Degree to his Friendſhip, for you are his great 'Council. By your Example they will form 'their own Manners, and by yours they will 'make ſome Gueſs at the King's: Therefore

1660.

1660. ‘ under that Obligation, you will cauſe your
‘ Piety, your Juſtice, your Affability, and your
‘ Charity, to ſhine as bright as is poſſible before
‘ them. They are too much in love with *Eng-*
‘ *land*, too partial to it, who believe it the
‘ beſt Country in the World; there is better
‘ Earth, and a better Air, and a better, that is,
‘ a warmer, Sun in other Countries; but we
‘ are no more than juſt when we ſay that
‘ *England* is an Encloſure of the beſt People in
‘ the World, when they are well informed and
‘ inſtructed; a People in Sobriety of Conſcience
‘ the moſt devoted to God Almighty; in the
‘ Integrity of their Affections, the moſt dutiful
‘ to the King; in their good Manners and In-
‘ clinations, moſt regardful and loving to the
‘ Nobility; no Nobility in *Europe* ſo entirely
‘ loved by the People; there may be more Awe,
‘ and Fear, and Terror of them, but no ſuch
‘ Love towards them as in *England*. I beſeech
‘ your Lordſhips do not undervalue this Love:
‘ They have looked upon your Lordſhips, and
‘ they will look upon your Lordſhips again,
‘ as the greateſt Examples and Patterns of Du-
‘ ty to the King, as their greateſt Security and
‘ Protection from Injury and Injuſtice, and for
‘ their enjoying whatſoever is due to them by
‘ the Law, and as the moſt proper Mediators
‘ and Interpoſers to the King, if by any fai-
‘ lure of Juſtice they ſhould be expoſed
‘ to any Oppreſſion and Violence: And this
‘ Exerciſe of your Juſtice and Kindneſs to-
‘ wards them, will make them the more abhor
‘ and abominate that Parity upon which a Com-
‘ monwealth muſt be founded, becauſe it would
‘ extirpare, or ſuppreſs, or deprive them of
‘ their Beloved Nobility, which are ſuch a Sup-
‘ port and Security to their full Happineſs.

AND

'AND You Gentlemen of the House of 1660.
'Commons, you are now returning to your
'Country laden with a Trust not inferior or
'weighty than that you brought from thence;
'you came up their Deputies to the King, and
'he returns you now his Deputies to them,
'his Plenipotentiaries, to inform and assure
'them that he thinks himself the happiest and
'the greatest Prince of the World; not from the
'Scituation of his Dominions, and the Power of
'his great Navy, with which he can visit his
'Neighbours, and keep them from visiting
'him, or from the Noble Revenue you have
'settled upon him, which he will improve with
'all good Husbandry, but from being possessed
'of the Affections and Hearts of such Subjects;
'that he doth so entirely love them, and de-
'pend upon them, that all his Actions, and all
'his Counsels, shall tend to no other End but
'to make them Happy and Prosperous; that
'he thinks his Honour and his Interest prin-
'cipally to consist in providing for, and
'advancing the Honour and Interest of the
'Nation: That you may have the more Credit
'in what you say, he will not take it unkindly
'if you publish his Defects and Infirmities:
'You may tell them, that he is so confident in
'the Multitude of his very Good and Faithful
'Subjects, that he is very hard to be perswaded
'that his few ill and unfaithful Subjects can
'do him much harm; that he so much depends
'upon the Affection of Honest Men, and their
'Zeal for his Security, that he is not so solici-
'tous and vigilant for his own Safety as he
'ought to be, amidst so many Combinations,
'of which he is so well informed, that his
'Servants, who with Grief and Anguish im-

1660. 'portune him not to take so little Care of his
'own Safety, can obtain no other Answer from
'him, than what *Cesar* heretofore gave to his
'jealous Friends, *Mori se malle quam timeri*,
'or *timere*; he will die any Death, rather than
'live in fear of his own Subjects, or that they
'should live in fear of him: You may tell them
'as a great Infirmity, that a troubled and dis-
'contented Countenance so afflicts him, that he
'would remove it from them at his own Charge
'as if he himself were in the fault; and when
'he hath been informed of any less kind, or
'jealous thing said amongst you, as your Win-
'dows are never so close shut, but that the
'Sound of your Words goes to the several Cor-
'ners of the Town, his Majesty hath been
'heard to say no more, but, *what I have done?*
'*I wish that Gentleman and I were acquainted,*
'*that he knew me better.* Oh, Gentlemen, you
'cannot be your selves, nor you cannot make
'your Friends too zealous, or too jealous for
'such a Prince's Safety, or too sollicitous for
'such a Prince's Satisfaction and Content, to
'whom we may very justly say, as the King of
'*Tyre* writ to *Solomon*, *because God hath loved*
'*his People, he hath made thee King over them*:
'Even his Defects and Infirmities are very ne-
'cessary towards the full Measure of our Pro-
'sperity.

'*MY Lords and Gentlemen*, God hath ena-
'bled us to invert one Argument, which, I hope,
'may to a good Degree repair the much Mis-
'chief it hath heretofore done: It hath been
'urged very unreasonably, yet successfully ur-
'ged in the worst Times, that it was not Faith,
'but Presumption, to expect that God would
'restore a Family, with which he seem'd to
'have a Controversie, and had humbled so
'far;

'far; that he would ever Countenance a Par- 1660.
'ty that he had ſo much Diſcountenanced,
'and almoſt deſtroyed. We may now much
'more reaſonably, and therefore I hope as ef-
'fectually, preſs the Miracles that God Al-
'mighty hath lately wrought for King and
'People, as an Evidence that he will not again
'eaſily forſake them: We may tell thoſe, who
'are uſing all their Endeavours to imbroil the
'Nation in new Troubles, that it is not proba-
'ble, that a Nation againſt which God ſeemed
'theſe late Years to have pronounced his Judg-
'ment, in the very Language of the Pro-
'phet;

Go ye ſwift Meſſengers to a Nation ſcattered and peeled, to a People terrible from the Beginning hitherto, a Nation rooted out and trodden down, whoſe Land the Rivers have ſpoiled: —— *The Lord hath mingled a perverſe Spirit in the midſt thereof.*

'That he ſhould reduce that Perverſneſs to
'the greateſt Meekneſs and Reſignation, that
'he ſhould withdraw his Judgment from this
'Nation, and in a Moment reſtore it to all the
'Happineſs it can wiſh, and to no other End,
'but to expoſe it to the Mercy and Fury of a
'few diſcontented Perſons, the worſt of the
'Nation, is not eaſie to be believed.

'WE may tell thoſe who ſtill contrive the
'Ruin of the Church, the beſt, and the beſt
'Reformed Church in the Chriſtian World;
'Reformed by that Authority, and with thoſe
'Circumſtances as a Reformation ought to
'be made, that God would not ſo miraculouſly
'have ſnatched this Church as a Branch out of
'the

1660. 'the Fire, would not have raiſed it from the 'Grave, after he had ſuffered it to be buried 'ſo many Years, by the boiſterous Hands of 'Prophane and Sacrilegious Perſons, under its 'own Rubbiſh, to expoſe it again to the ſame 'Rapine, Reproach and Impiety: That Church, 'which Delights itſelf in being called Catho-'lick, was never ſo near Expiration, never had 'ſuch a Reſurrection: That ſo ſmall a Pittance 'of Meal and Oyl ſhould be ſufficient to pre-'ſerve and nouriſh the poor Widow and her 'Family ſo long, is very little more miraculous, 'than that ſuch a Number of Pious, Learned, 'and very Aged Biſhops, ſhould ſo many 'Years be preſerved in ſuch wonderful 'Streights and Oppreſſions, until they ſhould 'plentifully provide for their own Succeſſion: 'That after ſuch a deep Deluge of Sacriledge, 'Prophaneneſs and Impiety, had covered, and 'to common Underſtanding ſwallow'd it up, 'that that Church ſhould again appear above 'the Waters, God be again ſerved in that 'Church, and ſerved as he ought to be, and 'that there ſhould be ſtill ſome Revenue left 'to ſupport and encourage thoſe who ſerve 'him; nay, that many of thoſe who ſeemed 'to thirſt after that Revenue, till they had poſ-'ſeſſed it, ſhould conſcienciouſly reſtore what 'they had taken away, and become good 'Sons, and willing Tenants to that Church 'they had ſo lately ſpoiled, may make us all 'piouſly believe, that God Almighty would 'not have been at the Expence and Charge 'of ſuch a Miracle, ſo manifeſted himſelf 'to us in ſuch a Deliverance, but in the be-'half of a Church very acceptable to him, 'and which ſhall continue to the End of the 'World,

1660.

'World, and againſt which the Gates of Hell 'ſhall not be able to prevail.

'WE may tell thoſe deſperate Wretches, 'who yet harbour in their Thoughts Wicked 'Deſigns againſt the Sacred Perſon of the King, 'in order to the compaſſing their own Imagi-'nations, that God Almighty would not have 'led him through ſo many Wildernelſes of Af-'flictions of all Kinds, conducted him through 'ſo many Perils by Sea, and Perils by Land, 'ſnatch'd him out of the midſt of this King-'dom, when it was not worthy of him; and 'when the Hands of his Enemies were even 'upon him, when they thought themſelves ſo 'ſure of him, that they would bid ſo cheap and 'ſo vile a Price for him, he would not in that 'Article have ſo covered him with a Cloud, 'that he Travailed even with ſome Pleaſure 'and great Obſervation through the midſt of 'his Enemies; he would not ſo wonderfully 'have new Modelled that Army, ſo Inſpired 'their Hearts, and the Hearts of the whole 'Nation, with an Honeſt and Impatient Long-'ing for the Return of their Dear Sovereign, 'and in the mean time have ſo Exerciſed him '(which had little leſs of Providence in it than 'the other) with thoſe unnatural, or at leaſt 'unuſual Diſreſpects and Reproaches abroad, 'that he might have a Harmleſs and Innocent 'Appetite to his own Country, and return to 'his own People with a full Value, and the 'whole unwaſted Bulk of his Affections, with-'out being corrupted or biaſſed by Extraor-'dinary Foreign Obligations: God Almighty 'would not have done all this, but for a Ser-'vant whom he will always preſerve as the 'Apple of his own Eye, and always defend

'from

1660. 'from the moſt ſecret Machinations of his 'Enemies.

'IF theſe Argumentations, Gentlemen, urged with that Vivacity as is moſt natural to your own Gratitude and Affections, recover as many (and it would be ſtrange if it ſhould not) as have been corrupted by the other Logick, the Hearts of the whole Nation, even to a Man, will inſenſibly be ſo devoted to the King, as the only Conſervator and Protector of all that is dear and precious to them, and will be ſo zealous to pleaſe him, whoſe greateſt Pleaſure is to ſee them pleaſed, that when they make Choice of Perſons again to ſerve in Parliament, they will not chuſe ſuch who they wiſh ſhould oppoſe the King, but therefore chuſe them, becauſe they have, and becauſe they are like to ſerve the King with their whole Hearts; and ſince he deſires what is beſt for his People, to gratifie him in all he Deſires: This bleſſed Harmony would raiſe us to the higheſt Pinacle of Honour and Happineſs in this World, a Pinacle without a Point, upon which King and People may ſecurely reſt and repoſe themſelves againſt all the Guſts, Storms and Tempeſts, which all the Malice of this World can raiſe againſt us, and I am ſure you will all contend to be at the top of this Pinacle.

'I have no more to add, but the Words of Cuſtom, *that the King declares this preſent Parliament to be diſſolved; and this preſent Parliament is diſſolved.*

BETWEEN the diſſolution of this Convention Parliament and the meeting of the next, which was to be on the 8th of *May*, there was a Matter agitated at the Helm, that afterwards thro' the Malice of Enemies and the Credulity of

of the unthinking Populace was trumped up to the Diſadvantage of the Chancellor. Its true, his Daughter was married to the Duke of *York*, then preſumptive Heir to the Crown, and proving to be a Prolifick Lady, it was natural for him to wiſh that ſome one of the Deſcendants of his own Body, might in time inherit the Crown of *England*; but that he ſhould be the Contriver, and the only one too, of the Match with *Portugal*, in order to it, is as great a Piece of Forgery and Fallhood as ever could be put upon a Man. 1660.

IT's very well known that the Queen Mother was in *England*, when this Matter was firſt ſet on Foot, and thoſe who ſeemed to have the beſt Judgment and Inſight into the Intrigues of thoſe Times, looked upon her Coming over into *England* at that time, to be in the Nature of a private Agent from the *French* Court, to promote that Match, which muſt redound, as it did indeed, to their Advantage, by contributing to get the Crown of *Portugal* to be at laſt acknowledged Independent of that of *Spain*. As to the Preſumption, or rather Aſſurance (in the Phraſe of ſome) the Chancellor had, that the Infanta, being a *Portugueze*, was paſt the Age of bearing Children, there is nothing on Earth can be more abſurd and ridiculous: If it were true, was it ſuch a Secret in Nature, that no Body muſt know it but he? But the Lady's Age and the Examples of other Women overthrows all this to the Ground. She was much about Three and Twenty Years and a half when the Marriage was conſumated, ſhe having been born on the 14th of *November* 1638, and the Royal Nuptials Celebrated on the 21ſt of *May* 1662. As for Examples of this kind they are innumerable, her own Mother, the Dutcheſs of *Bra-*

1660. *Braganza* was older than she at the time when she was delivered of her: *Anne* of *Austria*, Eldest Daughter to *Philip* III. of *Spain*, (the *Spanish* and *Portugueze* Women being much of the same Constitution, as well as in the same Climate.) had been Married within a few Months of as many Years as Queen *Catharine* was Old when Married, before she had *Lewis* XIV. the present *French* King, who was her First-born; and yet she was at, or very near, Maturity when first Married to *Lewis* XIII.

BUT to dwell no longer upon this Head, those who were well acquainted with the Affairs of those Times, and saw into the Carriage and Disposition of the then Court, did not think the Queen was much tired with the Embraces of a Husband; and it appeared by the King's Usage of and Conduct towards her, as if he was not very desirous to have Children by her. But be it as it will, besides what has been already said, the Chancellor is fully cleared of the Aspersions cast upon him, by the King's Speech that here follows; and so far we ought to be from reflecting upon his Memory, for any thing of this kind, that we ought ever to revere it, for having been the most Happy Instrument to give us the Two best Queens that any Nation was ever blest with in this World.

1661. BESIDES the King's Speech, being as it were the Subject on which the Lord Chancellor was to enlarge, 'tis proper to give a Scetch of it here before we come unto the other. He began with telling them, 'he was sure he 'was very glad to see them there; that he va- 'lued himself much upon keeping his Word, 'upon making Good whatsoever he promised 'to his Subjects: And that he well remembred, 'when he was last in that Place, he promised

'that

'that he would call a Parliament as ſoon as could be reaſonably expected or deſired; and that truly, conſidering the Seaſon of the Year, and all that had been done ſince they parted, they could not reaſonably expect to meet ſooner than now they did: That if it might have been a Week ſooner they would confeſs there was ſome Reaſon to defer it to that Day; for that Day, they might without Superſtition love one Day, prefer one Day before another, for the Memory of ſome Bleſſing that befel them that Day, and then they could not wonder that the Memory of the great Affection the whole Kingdom ſhewed to him that Day Twelve-month, made him deſirous to meet them again that Day, when he was confident they were full of the ſame Spirit, and that it would be laſting in them: That he thought there were not many of them who were not particularly known to him; that there were very few of whom he had not heard ſo much Good, that he was as ſure as he could be of any thing that was to come, that they would all concur with him, and that he ſhould concur with them, in all things which might advance the Peace, Plenty and Proſperity of the Nation, that he ſhould be exceedingly deceived elſe. 1661.

'THAT they ſhould find what Method he thought beſt for their proceeding by Two Bills which he had cauſed to be prepared for them, which were for Confirmation of all that was enacted at their laſt Meeting: And here having repeated a Clauſe in his laſt Speech about the good Effect of the Act of Indempnity, he proceeded, and told them 'he was ſure he was ſtill in the ſame Opinion, and more, if it were poſſible, of that Opinion than

1660. 'than he was, by the Experience he had of the 'Benefit of it, and from the Unreaſonableneſs of 'what ſome Men ſaid againſt it, though he 'aſſured them not in his Hearing. He deſi- 'red them to provide full Remedies for any fu- 'ture Miſchiefs, and to be as ſevere as they 'would againſt new Offenders, eſpecially if 'they were ſo upon Old Principles, and to 'pull up thoſe Principles by the Roots: 'But that he ſhould never think him a Wiſe 'Man, who would endeavour to undermine or 'ſhake that Foundation of their Publick Peace, 'by infringing that Act in the leaſt Degree; 'or that he could be his Friend, or wiſh him 'well, who would perſwade him ever to con- 'ſent to the Breach of a Promiſe he ſo ſolemn- 'ly made when he was abroad, and perform- 'ed with that Solemnity; becauſe and after he 'promiſed it, he could not ſuſpect any Attempts 'of that kind by any Men of Merit and Vertue.

'THAT he would not conclude without 'telling them ſome News; News that he 'thought would be very acceptable to them; 'and therefore he ſhould think himſelf unkind 'and ill-natured if he ſhould not impart it to 'them; that he had been often put in mind by 'his Friends that it was high time to Marry; 'and he had thought ſo himſelf ever ſince he 'came into *England*; but that there appear'd 'Difficulties enough in the Choice, though 'many Overtures had been made to him; and 'that if he ſhould never Marry till he could 'make ſuch a Choice, againſt which there 'could be no foreſight of any Inconvenience 'that might enſue, they would live to ſee him 'an Old Batchelor, which he thought they 'did not deſire to do. That now he could 'tell them, not only that he was reſolved to

'Marry,

'Marry, but whom he reſolved to Marry, if 1661.
'God pleaſed: And that towards his Reſoluti-
'on, he had uſed that Deliberation, and taken
'that Advice, as he ought to do in an Affair of
'that Importance, and with a full Conſideration
'of the Good of his Subjects in general, as of him-
'ſelf; that it was with the Daughter of *Portugal*.
'That when he had, as well as he could, weighed
'all that occurred to him, the firſt Reſolution he
'took was to ſtate the whole Overtures which
'had been made to him, and, in truth, all that
'had been ſaid againſt it, to his Privy Coun-
'cil; without hearing whoſe Advice, he ne-
'ver did, nor ever would, reſolve any thing of
'Publick Importance: And he told them with
'great Satisfaction and Comfort to himſelf,
'(that after many Hours Debate in a full Coun-
'cil,) for he thought there was not above one
'abſent; and truly he believed upon weighing
'all that could be ſaid upon that Subject, for
'or againſt it, the Lords, without one diſſent-
'ring Voice, yet there were very few ſate ſilent,
'adviſed him with all imaginable Cheerfulneſs
'to this Marriage, which he looked upon as
'very Wonderful, and even as ſome Inſtance
'of the Approbation of God himſelf; and ſo
'took his own Reſolution, and concluded all
'with the Ambaſſador of *Portugal*, who was
'departing with a whole Treaty ſigned, which
'they would find to contain many great Ad-
'vantages to the Kingdom; and that he would
'make all the haſte he could to fetch them a
'Queen over, who he doubted not would bring
'great Bleſſings with her to him and them.

'Here having referred the reſt to the Lord
'Chancellor, he broke Silence, and began thus.

1661.

'MY Lords, and you the Knights, Citizens, 'and Burgeſſes, of the Houſe of Com-'mons.

'THE King hath called you hither by his 'Writ, to aſſiſt him with your Information 'and Advice in the greateſt and weightieſt Af-'fairs of the Kingdom: By his Writ, which is 'the only good and lawful Way to the Meeting 'of a Parliament; and the Purſuing that Writ, 'the Remembring how and why they came to-'gether, is the only Way to bring a happy End 'to Parliaments; there was no ſuch Writ as 'this, no ſuch Preſence as this, in the Year '1649, when this unhappy Kingdom was diſ-'honoured and expoſed to the Mirth and Re-'proach of their Neighbours in the Government 'of a Commonwealth; there was no ſuch Writ 'as this, no ſuch Preſence as this, in *December* '1653, when that Infant-Commonwealth, when 'the Three Kingdoms of *England*, *Scotland*, 'and *Ireland*, and the Dominions thereunto be-'longing, were delivered up into the Bloody 'and Mercileſs Hands of a devouring Prote-'ctor, and ſacrificed to his Luſt and Appetite: 'There was no ſuch Writ as this, no ſuch Pre-'ſence as this, in the Year 1656, when that Pro-'tector was more ſolemnly inveſted and inſtal-'led, and the Liberty of the Three Nations 'ſubmitted to his Abſolute Tyranny by *the* '*humble Petition and Advice*. When People 'came together by ſuch exorbitant Means, it 'is no Wonder that their Conſultations and 'Concluſions were ſo diſproportioned from any 'Rules of Juſtice or Sobriety. God be thank'd 'that he hath reſerved us to this Day, a Day 'that many Good Men have died praying for,

'that

'that after all those Prodigies in Church and 1661.
'State, we have lived to see the King at the
'Opening of the Parliament. That we have
'lived to see our King Anointed and Crowned
'by the Hands of an Archbishop, as his Pre-
'decessors have been; and that we are
'come hither this Day in Obedience to his
'Writ.

'THE King tells you he hath caused a Bill
'or Two to be prepared for the Confirmation
'of all that was Enacted in the last Parliament,
'and commends the Dispatch of those to you
'with some Earnestness. The Truth is, it is a
'great Part of the Business of this Parliament to
'celebrate the Memory of the last, by confirm-
'ing or re-enacting all that was done by that
'Parliament; which though it was not called
'by the King's Writ, may be reasonably
'thought to have been called by God himself,
'upon the Supplication and Prayer of the King
'and the whole Nation, as the only Means to
'restore the Nation to its Happiness, to its Self,
'to its Honour, and even to its Innocence.
'How glad the King was of it appears by
'what he writ to them from *Breda*, when he
'referred more to them than ever was referred
'to Parliament; He referred in truth (upon
'the Matter) all that concerned himself, and
'that concerned Religion, all that concerned
'the Peace and Happiness of the Kingdom to
'them: And to their Honour be it spoken, and
'to their Honour be it ever remembred, That
'the King, Religion, and the Kingdom, have
'no Reason to be sorry that so much was in-
'trusted to them; nor they to be ashamed of
'the Discharge of their Trust. It would have
'been a very unseasonable Scruple in any Man,
'who would have refused to bear his Part in

1661. 'the Excellent Tranſactions of that Parliament,
'becauſe he was not called thither by the
'King's Writ; and it would be a more unrea-
'ſonable Scruple now, in any Man, after we
'have all received the Fruit and Benefit of
'their Counſels and Concluſions, when in
'Truth we owe our orderly and regular
'meeting at this time to their extraordinary
'meeting then, to their Wiſdom in laying hold
'upon the King's Promiſes, and to the King's
'Juſtice in performing all he promiſed, and
'to the Kingdom's Submiſſion and Acquieſcence
'in thoſe Promiſes. I ſay it would be very
'unſeaſonable and unreaſonable now to endea-
'vour to ſhake that Foundation, which if you
'will take the King's Judgment, ſupports the
'whole Fabrick of our Peace and Security.
'He tells you what he ſhall think of any who
'goes about to undermine that Foundation,
'which is a Zeal no Prince could be tranſ-
'ported with but himſelf; it might have ſeem-
'ed enough for a King who had received ſo
'many Injuries ſo hardly to be forgotten,
'undergone ſo many Loſſes ſo impoſſible to be
'repair'd, to have been willing to confirm
'and to re-enact the *Act of Oblivion and In-*
'*demnity*, when you ſhould preſent it to him;
'but to prepare ſuch an Act for you, to conjure
'you by all that is Precious, by your Friend-
'ſhip to him, to diſpatch thoſe Acts with
'Expedition, is ſuch a Piece of Fatherly Ten-
'derneſs and Piety, as could proceed from no
'Heart, but ſuch a one, in which God hath
'treaſured up a Stock of Mercy, and Juſtice,
'and Wiſdom, to Redeem a Nation. And
'truly, my Lords and Gentlemen, for our
'ſelves, if we'll conſider how much we owe
'to thoſe, who with all the Faculties of their

'Souls

Souls contributed to, and contrived the Bleſſed Change, the reſtoring the King to his People, and his People to the King; and then how much we owe to thoſe who gave no Oppoſition to the Virtuous Activity of the other, (and God knows a little Oppoſition might have done much harm,) whether we look upon the Publick, or upon our own private Provocations, there will remain ſo few who do not deſerve to be forgiven by us, that we may very well ſubmit to the King's Advice, and his Example; of whom we may very juſtly ſay, as a very good *Hiſtorian* ſaid of a very great Emperor, and I am ſure it could never be ſo truly ſaid of any Emperor as of ours, *Facere recte Cives ſuos, Princeps optimus faciendo docet; cumq; ſit Imperio maximus, exemplo major eſt.* Nor indeed hath he yet given us, or have we felt any other Inſtances of his Greatneſs, and Power, and Superiority, and Dominion over us, *niſi* (as he ſaid) *aut levatione periculi, aut acceſſione dignitatis*, by giving us Peace, Honour, and Security, which we could not have without him, by deſiring nothing himſelf; and therefore I hope we ſhall make no ſcruple of obeying him in this Particular. 1661.

'*MY Lords and Gentlemen*, though the laſt Parliament did great and wonderful things indeed, as much as in that time they could, yet they have left very great things for you to do. You are to finiſh the Structure, of which they but laid the Foundation; indeed they left ſome things undone, which it may be they thought they finiſhed. You will find the Revenue they intended to raiſe for the King very much ſhort of what they promiſed: You will find the Publick Debts for the diſcharge of the Army and the Navy, which

1661. 'they thought they had provided for ſufficiently, to be ſtill in arrear and unpaid. And 'here I am by the King's ſpecial Command to 'commend the poor Seamen to you, who by the 'Rules which were preſcribed for their Payment are in a much worſe Condition than 'without Queſtion was foreſeen they would 'be; for by appointing them to be paid but 'from 1658, (which was a ſafe Rule to the Army,) very many are ſtill in arrear for Two, 'Three, or Four Years Service; and ſo his Majeſty's promiſe to them from *Breda* remains 'unperformed. Some other Loſſes which reſulted from other Rules given for their Payment have been ſupplied to them by the 'King's own Bounty: They are a People very 'worthy of your particular Care and Cheriſhing, 'upon whoſe Courage and Fidelity very much 'of the Happineſs, and Honour, and Security 'of the Nation depends; and therefore his Majeſty doubts not you will ſee Juſtice done towards them with Favour.

'*MY Lords and Gentlemen*, You are now 'the great Phyſicians of the Kingdom, and God 'knows you have many wayward, and froward, and diſtempered Patients; Patients who 'are in truth very Sick, and Patients who think themſelves ſicker than they are; and ſome 'who think themſelves in health, and are 'moſt ſick of all. You muſt therefore uſe all 'the Diligence, and Patience, and Compaſſion, which good Phyſicians have for their 'Patients; all the Chearfulneſs, and Complacency, and Indulgence, their ſeveral Habits, 'and Conſtitutions, and Diſtempers of Body 'and Mind may require: Be not too Melancholick with your Patients, nor ſuffer them 'to be too Melancholick, by believing that eve-

'ry

'ry little Diſtemper will preſently turn to a 1661.
'violent Feaver, and that Feaver will preſent-
'ly turn to the Plague; that every little treſ-
'paſs, every little ſwerving from the known
'Rule, muſt inſenſibly grow to a neglect of the
'Law, and that neglect as inſenſibly introduce
'an abſolute Confuſion; that every little dif-
'ference in Opinion or Practice, in Conſci-
'ence and Religion, muſt preſently deſtroy
'Conſcience and Religion. Be not too ſevere and
'rough towards your Patients in preſcribing
'Remedies, how well compounded ſoever, too
'nauſeous and offenſive to their Stomachs and
'Appetite, or to their very Fancy; allay and
'correct thoſe Humours which corrupt their
'Stomachs and their Appetites: If the good
'old known tried Laws be for the preſent too
'heavy for their Necks, which have been ſo
'many Years without any Yoke at all, make
'a Temporary Proviſion of an eaſier and a light-
'er Yoke, till by living in a wholeſome Air,
'by the Benefit of a ſoberer Converſation, by
'keeping a better Diet, by the Experience of
'a good and juſt Government, they recover
'Strength enough to bear, and Diſcretion e-
'nough to diſcern the Benefit and the Eaſe of
'thoſe Laws they diſliked. If the preſent Oaths
'have any Terms or Expreſſions in them, that
'a tender Conſcience honeſtly makes ſcruple
'of ſubmitting to, in God's Name let other
'Oaths be formed in their Places, as compre-
'henſive of all thoſe Obligations which the
'Policy of Government muſt exact; but ſtill
'let there be a Yoke, let there be an Oath, let
'there be ſome Law that may be the Rule to
'that Indulgence, that under pretence of Li-
'berty of Conſcience Men may not be abſolved
'from all the Obligations of Law and Conſcience.

1661. 'I have beſought your good Nature and Indulgence towards ſome of your weak Patients, if by it they can be brought to follow and ſubmit to your Preſcriptions for their Health; nor is it reaſonable to imagine that the Diſtempers of Twenty Years can be rectified and ſubdued in Twelve Months; there muſt be a natural Time, and Natural Applications allowed for it: But there are a Sort of your Patients that I muſt recommend to your utmoſt Vigilance, utmoſt Severity, and to no Part of your Lenity or Indulgence; ſuch who are ſo far from valuing your Preſcriptions, that they look not upon you as their Phyſicians, but their Patients; ſuch who inſtead of repenting any thing that they have done amiſs, repeat every Day the ſame Crimes, for the Indempnity whereof the Act of Oblivion was provided. Theſe are Seditious Preachers, who cannot be contented to be diſpenced with for their full Obedience to ſome Laws Eſtabliſhed, without reproaching and inveighing againſt thoſe Laws how eſtabliſhed ſoever; who tell their Auditories, that the Apoſtle meant when he bid them ſtand to their Liberties, that they ſhould ſtand to their Arms, and who by repeating the very Expreſſions, and teaching the very Doctrine they ſet on Foot in the Year 1640, ſufficiently declare that they have no Mind that Twenty Years ſhould put an End to the Miſeries we have undergone.

'WHAT good Chriſtian can think without Horrour of theſe Miniſters of the Goſpel, who by their Function ſhould be Meſſengers of Peace, and are in their Practice the only Trumpets of War, and Incendiaries towards Rebellion? How much more Chriſtian was that *Athenian* Nun in *Plutarch*, and how ſhall ſhe riſe up in Judgment againſt theſe Men, who

'when

'when *Alcibiades* was Condemned by the Pub- 1661.
'lick Juſtice of the State, and a Decree made
'that the Religious, the Prieſts and the Nuns,
'ſhould Revile and Curſe him, ſtoutly refuſed
'to perform that Office, ſaying, that ſhe was
'profeſſed Religious, to Pray and to Bleſs, not
'to Curſe and Ban. And if the Perſon and
'Place can improve and aggravate the Of-
'fence, as no doubt it doth, both before God
'and Man, methinks the Preaching Rebellion
'and Treaſon out of the Pulpit ſhould be as
'much worſe than the advancing it in the
'Market; as poiſoning a Man at the Commu-
'nion would be worſe then killing him at a Ta-
'vern; and it may be in the Catalogue of thoſe
'Sins which the Zeal of ſome Men declares to
'be againſt the Holy Ghoſt; there may not be
'any one more reaſonably thought to be ſuch,
'a Miniſter of Chriſt's turning Rebel againſt
'his Prince, which is a moſt notorious Apoſta-
'cy from his Order, and his Preaching Rebel-
'lion to the People as the Doctrine of Chriſt,
'adding Blaſphemy and Pertinacy to his Apo-
'ſtacy, hath all the Marks by which good Men
'are taught to know and avoid that Sin againſt
'the Holy Ghoſt: If you do not provide for
'the thorough quenching theſe Firebrands,
'King, Lords and Commons, ſhall be their
'meaneſt Subjects, and the whole Kingdom
'kindled into one general Flame.

'*MY Lords and Gentlemen*, When the King
'ſpake laſt in this Place before this Day, he
'ſaid, when he ſhould call the next Parliament
'he ſhould receive their Thanks for what he
'had done ſince he had diſſolved the laſt; for
'he ſaid he ſhould not more propoſe any one
'Rule to himſelf in his Actions or his Coun-
'cils than this: *What is a Parliament like to*

'*think*

1661. 'think of this Action, or of that Council? And 'that it should be want of Understanding in him 'if it would not bear that Test: He told you but 'now that he values himself much upon keeping his Word, upon performing all that he promises to his People; and he hath the worst Luck in the World if he hath not complied with this Promise, and if his Understanding hath failed him in it. It was in a very little time after the Dissolution of that Parliament, his Majesty giving himself a few Days to accompany his Royal Mother to the Sea-side, (the only time he hath slept out of this Town near this Twelve Months,) that the most desperate and prodigious Rebellion brake out in this City that hath been heard of in any Age, which continued Two or Three Nights together, with the Murder of several honest Citizens. Let no Man undervalue the Treason because of the Contemptibleness of the Number engaged in it; no Man knows the Number, but by the Multitude of the intercepted Letters from and to all the Counties of *England*, in which the time was set down wherein the Work of the Lord was to be done; by the desperate Carriage of the Traitors themselves, and their bragging of their Friends, we may conclude the Combination reached very far, and in truth we may reasonably believe, that if the undaunted Courage and indefatigable Industry of the Lord Mayor of *London*, who deserves to be mentioned before King, Lords and Commons, and to be esteemed by them, had not prevented it, I say it is probable this Fury would not have been extinguished, before this Famous City, or a great part of it, had been burned to Ashes. If you enquire what the King did upon this unheard-

'heard-of Provocation, what Vengeance he took upon those whose professed and avowed Principle was not to distinguish between him and another Man, nay, to kill him sooner than any other Man, you will find, as was said of *Cæsar*, that *Libentius vitam victor jam daret, quam victi acciperent:* That his Mercy hath been no less Obstinate than their Malice and Wickedness; that few Persons have suffered; and that he hath restrained the Law from being severe to many, who at the same time continue their Guilt, and undervalue his Compassion; that there hath not been a Week since that time in which there have not been Combinations and Conspiracies formed against his Person, and against the Peace of the Kingdom, which before this time would have taken effect, if God had not put it into the Hearts of some who were trusted in the Councils to discover the Designs time enough for Prevention, and upon all these Alarms, and the Interception of such Letters, as would in all other Countries have produced the Rack for further Discoveries, and under the late Government in this would have erected High Courts of Justice for their Punishment, he hath left the Offenders to his Judges of the Law, and those Judges to the precise Forms, and ordinary Rules of the Law. 1661.

'*MY Lords and Gentlemen*, If the new Licence and Corruption of this Time hath exceeded the Wickedness of former Ages, that the Old Laws have not enough provided for the Punishment of Wickedness, they could not Foresee or Imagine it will become your Wisdoms to provide New Remedies for new Diseases, and to secure the Precious Person of our Dear Soveraign from the first

'Approaches

1660. 'Approaches of Villany, and the Peace of the 'Kingdom from the first Overtures of Sedi-'tion: If you will not provide Laws to do it, 'the King will not do any thing extraordinary, 'even towards his own Preservation.

'YOU see the Rule by which he hath 'walked, and as he hath made good his Pro-'mise to you, so I doubt not you will make 'good his Prophecy, and that he shall receive 'Thanks for what he hath done since he was 'last here. He hath told you now what he 'hath done, That he is resolved to Marry, and 'resolved whom to Marry; which, I believe, 'is the most grateful News that the whole 'Kingdom hath longed for, or could receive 'from the first Day of his Landing here; and 'when they shall know the great Deliberation 'he hath used before that Resolution, and the 'Circumstances in resolving it, they will surely 'have Cause to confess, that never King in the 'Disposal of himself in Marriage took so great 'Care for the Good and Felicity of his Peo-'ple. Within a very short time after his Land-'ing in this Kingdom he was moved by the 'Ambassador of *Portugal* to renew a Treaty 'lately made between that Crown and the 'Usurper; a Treaty in very many respects the 'most Advantageous to this Nation that ever 'was entered into with any Prince or People; 'a Treaty by which at this time that Crown 'is paying the Penalty (which the Usurper 'exacted from it) for the most Heroick and 'Noble Act of Honour and Friendship 'performed by that King to our Master, that ever 'was performed by any Prince towards another 'Prince in Distress; and yet the King was no-'thing forward to ratifie this Treaty, though 'it is very true every Article in it but one 'was entirely for the Benefit of this Nation, for

'the

the extraordinary Advancement of Trade, for the Good of Religion, and for the Honour of the Crown; yet there is One, One ſingle Article that muſt oblige the King, as it did oblige the Uſurper, to ſupply *Portugal* with an Army for his Aſſiſtance when he ſhould require it; that is, That *Portugal* ſhould have Power to make Levies of Ten Thouſand Men for their Service: This the King foreſaw might produce a War with *Spain*, which he was very unwilling to undergo that Engagement; and yet his Council repreſented unto him how Heart-breaking a Thing it would be to his People to loſe the Poſſeſſion of ſo great a Trade, and thoſe other immenſe Advantages they had by that Treaty: And that it would be judged an irrecoverable Errour in Policy if *Portugal* ſhould be ſuffered again to be ſwallowed up by *Spain*. However, the King was reſolved not precipitately to engage himſelf in ſuch a Treaty as might be attended with ſuch an Inconvenience, but to take time fully to conſider of it; and this Delay the *Portugal* could not be pleaſed with, and ſo the Ambaſſador returned Home to his Maſter. 1661.

'ABOUT this time the Houſe of Commons ſent up a Bill to the Lords for the annexing *Dunkirk* and *Jamaica* to the Crown of *England*; which ſeemed to have the moſt univerſal Conſent and Approbation from the whole Nation that ever any Bill could be attended with; yet the ſame Conſideration which retarded the Treaty with *Portugal* made the King leſs warm towards the advanceing of that Bill: And the *Spaniſh* Ambaſſador was as ſollicitous to obſtruct it, as he hath been ſince to obſtruct the Match with *Portu-*

'*gal.*

1661. 'gal. This being the Caſe, and the *Portugal* Ambaſſador returning with ſuch Particular Overtures to the King for a Marriage with the Daughter of that Crown, that both in reſpect of Portion, and many other tranſcendent Advantages for the Advancement of the Trade and Empire of this Kingdom, the like hath not been offered in this Age: And his Majeſty having received as full Information and Satisfaction in the Beauty and Excellency of that Renowned Princeſs as can be had without a Perſonal Interview, (a Circumſtance very rarely admitted to Princes,) it was not in his Majeſty's Power to be without ſome Approbation and Inclination to this Alliance: Yet even then he would not truſt himſelf in this great Affair, which ſo nearly and ſo dearly concern'd himſelf, and himſelf above all others; though the Benefit and Advantage could but appear the ſame upon further Conſultation, yet there might poſſibly be ſome Miſchiefs or ſome Inconveniences diſcerned which he had not foreſeen: He reſolves therefore to call his Council, tells them ſome Days before that he had an Affair of great Importance to impart to them, and to receive their Advice in, and therefore appointed an extraordinary Day, that they might all appear, (and truly I think there was but one Lord abſent who was then indiſpos'd in his Health:) In this Council he ſtated the whole Matter, all that was offered of Benefit and Advantage, all that occurr'd of Hazard or Inconvenience, without the leaſt Diſcovery of his own Inclinations further than that you would have believed he had ſeen the Picture of his Miſtreſs, it having been a Speech he

'hath

'hath often accuſtomed himſelf to, That he 1661.
'would not Marry a Woman he had not ſome
'Reaſon to believe he could love though ſhe
'could bring him the Empire of the World.
'He did not conceal from my Lords what the
'*Spaniſh* Ambaſſador had offered againſt this
'Marriage, (who is not over-reſerved in giv-
'ing Counſel, nor in communicating the Coun-
'ſel he gives,) what Profers he had made of
'others, what Threats of War in one Caſe,
'what Advantage of Dowry in another; that
'he is ſo ſollicitous for the Advancement of
'the Proteſtant Religion, that he had offered
'ſeveral Proteſtant Princeſſes, to whom his
'Maſter ſhall give a Portion, as with the
'*Infanta* of *Spain:* And truly leſs than the Uni-
'verſal Monarch could not diſpoſe of ſo many
'Princeſſes, without the leaſt Conſent or Pri-
'vity of their own. His Majeſty commanded
'all my Lords to deliver their Counſel and
'Advice freely, upon a full Proſpect of what
'might appear Good and Happy for his Peo-
'ple, as well as for himſelf: Aſſuring them,
'as he hath done you now this Day, That as
'He never did, ſo he never will do any Thing
'of great Importance without conſulting with
'them. You will believe that my Lords of
'the Council are ſollicitous enough for the
'Advancement of the Proteſtant Religion, upon
'which the Welfare of this Kingdom ſo much
'depends: But they were very apprehenſive
'that the firſt Proteſtant Daughter that ever
'any King of *Spain* had would not probably
'bring ſo great Advantages to it as was pre-
'tended.

THEY

1661. THEY have no mind to encourage the
'King to a War, we have had War enough;
'but they do not think he ſhould ſo much fear
'a War, as out of the Dread of it to be at the
'Diſpoſal of any other Prince; and that when
'he hath freed his own Subjects from Ward-
'ſhips, and from Liveries, that he ſhould
'himſelf become a Ward to the King of
'*Spain*, and not Marry without his Approbati-
'on and Conſent. They obſerved, that in the
'ſame Memorials (I do not mean that which
'he laſt Printed, but a former,) in which the
'*Spaniſh* Ambaſſador threatens War if the
'King Marries with *Portugal*; he preſſeth ve-
'ry earneſtly the Delivering up of *Dunkirk* and
'*Jamaica*; and it is plain enough he would
'have that Recompence for the Portion he
'would give; and in truth whoever is againſt
'the Match with *Portugal*, is for the Delivery
'of *Dunkirk* and *Jamaica*, a War being as
'ſure to follow from the latter, as from the
'former, and from neither, till the King of
'*Spain* finds it convenient for himſelf, which
'I hope he will not yet do. I will not enlarge
'upon the many Reaſons, the King had told
'you the Concluſion. There was never a more
'unanimous Advice from any Council, not one
'Diſſenting Voice, in the beſeeching his Maje-
'ſty to make this Marriage, and to finiſh it
'with all the Expedition imaginable. Upon
'this he ſent for the *Portugal* Ambaſſador, de-
'clared his Reſolution to him, hath writ him-
'ſelf to *Portugal*, and is preparing his Fleet to
'fetch Home our Queen. And I hope now he
'hath deſerved all your Thanks, both for the
'Matter and the Manner; and that not only
'our ſelves, but the Ages that are to ſucceed
'us, ſhall have Cauſe to Bleſs God and his
'Majeſty,

'Majeſty for this Reſolution that he hath ta- 1661.
'ken, and that he hath declared to us this
'Day, and hath reſerved for this Day, having
'obliged his Council to Secrecy, that he might
'himſelf communicate it to his whole Kingdom
'at once.

'THERE are ſome other Particulars of
'Weight, but he will not mingle them with this
'great important one, which muſt ſo much fill
'your Hearts and your Heads, but will reſerve
'them till he ſees you again, after you have cho-
'ſen your *Speaker*, which he now leaves you to
'do, and to repair to your Houſe for that
'Purpoſe, that you may preſent your *Speak-*
'*er* unto him at Four of the Clock upon
'*Friday*.

THE Chancellor having ended, and the Commons returned to their Houſe, choſe Sir *Edward Turner* to be their Speaker, a Perſon acceptable enough to the Chancellor, as well as to the Generality of the Court: He told his Majeſty upon his being Preſented, that the Houſe had been pleaſed, he durſt not ſay to Chuſe, but to Name him to be their Speaker,

THAT it was an undoubted Priviledge of every Member in that Houſe to be heard to ſpeak, much more when he ſpoke for or againſt himſelf. But that whether more out of Favour to him, or Injury to themſelves, he could not tell, they were not pleaſed to hear, at leaſt they would not accept his juſt Apology and Excuſe from that Service.

THAT therefore from this their Judgment, if he muſt call it ſo, he did moſt humbly appeal to his Sovereign Juſtice, beſeeching his Majeſty for the Errors that were too viſible

1661. and apparent in their Proceedings, that he would review and reverſe the ſame.

THAT his Inexperience in the Cuſtoms and Orders of the Houſe, his Inability to collect their Senſe, and ſtate the Queſtions riſing upon long and arduous Debates, did juſtly render him unfit, and therefore unworthy of that weighty Imployment.

THAT his Majeſty well knew when a Ship puts out to Sea ſhe ſhould be provided with Mariners of all Sorts: In caſe a Storm did ariſe, ſome muſt trim and lore the Sails, ſome muſt watch aloft the Decks, ſome muſt work at the Pump; but that he had need be a very good Seaman that was the Pilot. That he hoped he might be uſeful to that his Sovereign Veſſel in ſome of thoſe Inferior Places, but he durſt not undertake to be their Steerſman.

THAT he did therefore moſt humbly beſeech his Majeſty that he would not take them at their firſt Word; that ſecond Thoughts were beſt: He pray'd therefore he would be pleaſed to command the Members of the Houſe of Commons to return into their Houſe, to recollect themſelves, and to preſent his Majeſty with a better Choice.

THE Chancellor, whoſe Place it was to Anſwer for the King upon ſuch Occaſions, replied thus.

Mr. Speaker,

YOU have not diſcredited your ſelf enough to perſwade the King to diſſent from his Houſe of Commons in the Election they have made if he had never ſeen you before: You have now ſpoke too well againſt your ſelf for his Majeſty to

to ſuſpect you are no good Speaker. But you have the Honour to be well known to the King, have ſpoken very often before him, and his Majeſty well knows that you are not without any of thoſe Parts of knowing the Orders of the Houſe, where you have ſate long, or collecting and ſtating, and putting the Queſtions aptly, which muſt conſtitute a right good Speaker. 1661.

THEREFORE His Majeſty is ſo far from thinking the Houſe hath made an ill Choice, that he believes they could not have made a better; or from admitting your Excuſe, that he confirms their Election, and thanks them very heartily for making it; and requires you to ſubmit to it, and to betake your ſelf with all Alacrity to the Service.

HAVING proceeded thus far, it will be neceſſary to give the Subſtance of the Speaker's Rejoinder, which in itſelf is not Contemptible; the better to introduce the Lord Chancellor's Anſwer, he began with this Text of Scripture.

HE that knows his Maſter's Will, and doth it not, is worthy to be beaten with many Stripes; he ſaid he ſhould therefore humbly and cheerfully, to the beſt of his poor Skill and Knowledge, apply himſelf to the Performance of his Duty, not doubting therein to obtain his Majeſties Gracious Pardon for all involuntary Tranſgreſſions; for it was a Rule in Law, and in Conſcience too, *Actus non facit reum, niſi mens ſit rea.* That ſince he had found that Favour in the ſight of his Lord the King, he prayed he might beg his Majeſties Patience for a while to make a Stand, and from that Place

1661. to look about him: That a weak Head was ſoon giddy, but that the ſtrongeſt Brain might here be turned; that the Preſence of that Glory, and the Glory of that Preſence, tranſported him: That whilſt he contemplated the incomparable Beauty of that Body Politick, and the goodly Order of that High Court of Parliament, where at once he beheld all the Glory of this Nation, he was almoſt in the Condition of St. *Paul*, when he was taken up into the Third Heaven; that all he could ſay upon his Return was, *He ſaw things unutterable.*

THAT God who had made all things for the uſe of Man, and made him Governour over all his Works, thought it not fit to leave him to himſelf, nor to live without a Law and Government. That the Forms and Species of Government are various, *Monarchical*, *Ariſtocratical*, and *Democratical*; but that the firſt was certainly the beſt, as being neareſt to Divinity itſelf. That *Ariſtocracy* was ſubject to Degenerate, and run into Faction; but that *Democracy* naturally ran into Confuſion: That then every Man became a Tyrant over his Neighbour; *Homo Homini Lupus: Homo Homini Dæmon.*

THAT this Famous Iſland was firſt Inhabited by the *Britains*, then by the *Romans*, then by the *Saxons*, then by the *Danes*, laſtly by the *Normans*; and that during all theſe Succeſſions of Ages, and Variety of Changes, though there was ſometimes *Diviſum Imperium*, yet every Diviſion was happy under a *Monarchical Government.* That ſince the Entrance of the *Norman* Race, Five and Twenty Kings and Queens, Famous in their Generations, from whom his Sacred Majeſty was lineally deſcended,

ed, had ſwayed the Royal Scepter of this Nation. 1661.

THAT the Children of *Iſrael* when they were in the Wilderneſs, though they were fed with God's own Hand, and *ate the Food of Angels*, yet they ſurfeited, and murmured, and rebelled againſt *Moſes*. That the ſame unthankful Spirit dwelt in this Nation for divers Years laſt paſt; the Men of that Age were weary of the Government, though it was refined, to the Wonder and Envy of all other Nations: That they quarrelled with our *Moſes* becauſe he was *the Lord's Anointed*: *Nolumus hunc regnare* was their firſt Quarrel; but levelling Parity and Confuſion followed; and that then Tyranny and Uſurpation was the Concluſion.

THAT they read, the Emperor *Adrian*, when he lay a dying, complained that many Phyſicians had deſtroyed him; meaning, that their contrary Conceits and different Directions for his Recovery had haſtned his Death. That ſo it was with us; we were ſick of *Reformation*; our *Reformers* were of all Ages, Sexes, and Degrees, of all Profeſſions and Trades: *The very Cobler went beyond his Laſt*; that theſe new *Stateſmen* took upon them to Regulate and Govern our Governours: That this was the Sickneſs and Plague of the Nation, that their new Laws were all written in Bloody Letters; the cruelty of their Tribunals made the *Judgment-Seat* little differ from a *Slaughter-Houſe*; that the Rich Man was made an Offender for a Word; that Poor Men were ſold for Slaves, as the *Turks* ſell Heads, Twenty for an *Aſper*: And that yet for all this Villany there was at length found a *Protector*.

1661. THAT no Amendment at length would ſerve theſe *Reformers* Turns; no Conceſſions, though the moſt Gracious that could be imagined, would ſatisfie theſe Uſurpers; but *Root and Branch*, all muſt go: That our late Sovereign Lord muſt be offered up a Sacrifice to their Luſts: That his Majeſties Sacred Perſon was proſcribed, and all the Royal Family exiled: That Monarchy itſelf was voted Burthenſome, and therefore they muſt try a Commonwealth; and the better to digeſt it, the People were intoxicated with a Belief that they ſhould all like themſelves be Princes in their Turns.

THAT amongſt the *Perſians*, after the Death of their Governour, there was uſed to be ἀνομία πέντε ἡμερῶν, a Five Days Lawleſneſs, in which time every Man might do what he liſted. Thus during thoſe Five Days there was ſuch Killing, Robbing and Deſtroying one another, that before they were ended the People longed again for their Old Government.

THAT after the Death of his Majeſties moſt Royal Father here was the like Licenciouſneſs; but that alas it continued more than Twice Five Years: *Liberty* they called it, but it was *Libertas quidlibet audendi.* That his Loyal Subjects were a Prey to Wolves and Tigers, and to the moſt cruel of all Beaſts, unreaſonable Men: That every Man did what ſeemed good in his own Eyes, for in thoſe Days there was no King in our *Iſrael.*

BUT that as the former *Spirit of Reformation* at firſt brought us into this Miſery; ſo the *Spirit of Giddineſs* which God ſent amongſt our *Reformers* at length cured us. That the *Brazen Serpent* was the beſt Cure for thoſe that were bitten by the *Fiery Serpent.* That the Diviſions and Subdiviſions of thoſe that ex-

exercised Dominion over us, weakned their own Power, and stirred up the Hearts and strengthned the Hands of his Loyal Subjects, to restore our Ancient Government, and to bring his Majesty back to his Royal Throne in Peace, as to the Joy of all our Hearts they saw it was that Day. 1661.

THAT this was the Work of God alone, and it was admirable in our Eyes. And as they have Cause at all times to bless God that he had thus brought his Majesty to his People; so they had just Cause at that time to return their hearty Thanks unto his Majesty, that he had thus brought his People to himself.

THAT the Sun exhales the Vapours from the Earth, and then sends them down in Showers of Plenty; that so they to their great Joy did find that their Obedience and Affection to his Majesty were returned upon their Heads in Plenty, Peace and Protection.

THAT the last Meeting here in Parliament was happy in healing the bleeding Wounds of the Nation; that they were blessed also, even for their Works sake; his Majesty did bless them, and therefore they should be blessed to all Posterity.

BUT that they hoped he had a Blessing left for them too: That that was his Parliament by Adoption, but this was his by Birthright; that this Parliament was Free-born: That he hoped this Honour would beget in them an Emulation to exceed the Actions of their Predecessors; and not only to meet his Majesty as their Sovereign with the Duty of Subjects, but with the Love of Sons to a most Indulgent Father.

THAT next to the Glory of his Majesties Royal Throne, he could not but observe

1661. the Brightneſs of this —— Second Orb; that this Firmament was richly deck'd with Stars of ſeveral Magnitudes; each Star appears like the Morning-Star, and yet each Star differs from another in Glory. That he could not want Commanders, either by Sea or Land, to manage his Deſigns, whilſt all thoſe Sons of *Mars* ſtood Candidates to ſerve him in the Wars. That he could not want Counſellors to adviſe him in the great Affairs of the Nation, whilſt all theſe Senators, each fit to be a Conſul, contend who ſhall moſt eaſe him in the Thorny Cares of the Government.

THAT amidſt thoſe Noble *Engliſh* Barons, and at his Majeſties Feet, were placed the Reverend Judges of the Land, the Sages of the Law, Men ſo learned and expert in the Cuſtoms and Statutes of this Land, that if *Wat Tyler*, or *Jack Cade*, or the new Phanaticks of this latter Age, had burned our Books, they were able to reſtore our Laws in Purity and Perfection. And that next to theſe, though in a lower Orb, appeared the worthy Knights, the Prudent Citizens and Burgeſſes of the Houſe of Commons, being the Third Eſtate of Parliament.

THAT when the Fame of *Solomon*'s Wiſdom had filled the Neighbouring Nations, the Queen of *Sheba* could not contain herſelf at Home, but with many Camels laded with Spices, with Gold and Precious Stones in abundance, ſhe comes to *Solomon* to commune with him of all that was in her Heart. That whilſt this his Native Country was unworthy of him, Foreign Nations were made happy in the Knowledge of his Perſon, his Piety and Wiſdom: And that now the Lord God had brought him

him Home, and ſet him on his Throne, his Subjects longed to ſee him. 1661.

WHAT ſtriving and rejoicing was there at his firſt Landing to ſee their Riſing Sun?

WHAT ſtriving was there at his Coronation to ſee the Imperial Crown ſet upon his Royal Head? What ſtriving had there lately been in all the Counties, Cities, and Burroughs of this Nation, who ſhould be ſent up to hear his Wiſdom, and to confer with him in Parliament?

THAT theſe choſen Worthy Meſſengers were not come empty-handed, they were laden; they were ſent up to him heavy-laden from their ſeveral Counties, Cities, and Burroughs. That if the Affections of all *Engliſh* Men could make him Happy; if the Riches of the Nation could make him Great, if the Strength of his Warlike People could make him Conſiderable at Home and Abroad, he might be aſſured he was the greateſt Monarch in the World. He deſired Leave to double his Words, and ſay it again; wiſh'd his Voice could reach to *Spain*, and to the *Indies* too, that he was the greateſt Monarch in the World.

THAT he was afraid his Royal Patience might be tired, he would therefore no more ſpeak his own Words, but in the Name of the Commons of *England*, humbly preſent unto his Majeſty their accuſtomed Petitions, when firſt they were Aſſembled in Parliament, and ſo conclude.

1. FIRST he beſeeched his Majeſty, that for their better Attendance on the Important Service of the Houſe, themſelves, and their neceſ-

ſary

1661. fary Servants, might be free in their Perſons and Eſtates from all Arreſts and Troubles.

2. THAT Debates and Diſputes being neceſſary to the Diſquiſition of many Matters in the Houſe, his Majeſty would be pleaſed to vouchſafe them Liberty and Freedom of Speech; which he doubted not they ſhould uſe with Loyalty and Sobriety.

3. THAT if the great Affairs required it, his Majeſty, upon their Humble Suit, would vouchſafe them Acceſs to his Royal Perſon.

4. THAT the Proceedings of the Houſe might receive a benign Interpretation, and be free at all times from Miſconſtructions.

THE Speaker having thus concluded, the Chancellor took the Word, and delivered himſelf to this Effect.

Mr Speaker,

THE King is well pleaſed with your Obedience, and that you have ſo cheerfully ſubmitted to undergo that Province the Houſe of Commons hath deſigned you to: He promiſes himſelf, and the Kingdom, as great Fruit and Benefit from your Joint Services, as ever any of his Progenitors received from a Speaker, and a Houſe of Commons. The King did his Part, by publiſhing the very Day he intended the Parliament ſhould meet, a good time before the Writs were ſealed, by ſending out the Writs much longer than was neceſſary before the Day of Meeting, that the Country might not be ſurprized in their Elections, but that they might ſend up ſuch a Repreſentative unto him as he might make a clear view and proſpect of the Affections and Deſires of his People: And he is perſwaded, that the Commons of England *were never more exactly repreſented, than they are at preſent in you, the Knights, Citizens, and Burgeſſes; and*

yet

yet I have a very particular Command from his Majeſty to tell you, which in Truth he meant to have ſaid to you himſelf the other Day, and which he Hopes you will not take ill in Point of Priviledge, that his Majeſty takes Notice, indeed he cannot chuſe but take Notice, of one ill Circumſtance in many Elections, which he imputes rather to the Vice of theſe Times, a Vice worthy your Severity, than to any corrupt Intention, that is, Exceſs of Drinking, *which produceth that other Scandalous Exceſs in the Expence: His Majeſty doth very heartily recommend it to your Wiſdom, for the Honour and Dignity of Parliaments, that you will take ſome Courſe to prevent this Inconvenience for the future; and if you think fit to call for any help from Him towards it you will be ſure to have it.* 1661.

YOU have made, Mr. Speaker, *a very lively deſcription of the extravagancy of that Confuſion which the Poor Nation groaned under, when they would throw off a Government they had lived and proſpered under ſo many Ages, indeed from the time of being a Nation, and which is as natural to them as their Food or their Raiment, to model a new One for themſelves, which they knew no more how to do, than the naked* Indians *know how to dreſs themſelves in the* French *Faſhion; when (as you ſay) all Ages, Sexes and Degrees, all Profeſſions and Trades, would become Reformers; when the Common People of* England *would repreſent the Commons of* England, *and abject Men, who could neither Write nor Read, would make Laws for the Government of the Heroick and the moſt Learned Nation in the World: For ſure none of our Neighbours will deny it to have a full Excellency and Perfection, both in Arms and Letters;*

and

1661. *and it was the groſſeſt and moſt Ridiculous Pageem that great Impoſter ever expoſed to publick View, when he gave up the Nation to be diſpoſed of by a handful of Poor Mechanick Perſons, who finding they knew not what to do with it, would (he was ſure) give it back to him again, as they ſhortly did, which makes his Title compleat to the Government he meant to exerciſe. No Man Undervalues the Common People of* England, *who are in Truth the beſt and the honeſteſt, yea, and the wiſeſt Common People in the World, when he ſays they are not fit to Model the Government they are to live under, or to make the Laws they are to obey.* Solomon *tells us*, there is a time when one Man Rules over another to his own hurt; *we have had abundant Inſtances of ſuch a time. It is the Priviledge, if you pleaſe the Prerogative, (and it is a great one,) of the Common People of* England *to be repreſented by the Greateſt and Learnedeſt, Wealthieſt and Wiſeſt Perſons that can be choſe out of the Nation; and the confounding the Commons of* England, *which is that Noble Repreſentative, with the Common People of* England, *was the firſt Ingredient into that Accurſed Doſe, which intoxicated the Brains of Men with that Imagination of a Commonwealth, a Commonwealth, Mr.* Speaker, *a Government as impoſſible for the Spirit, and Temper, and Genius of the Engliſh Nation to ſubmit to, as it is to perſwade them to give their Cattle and their Corn to other Men, to live themſelves upon Herbs and Roots. I wiſh heartily, that they who have been moſt delighted with that Imagination, knew in Truth the great Benefit under that Government. There is no Commonwealth in* Europe, *where every Man that is worth One Thouſand Pounds doth not pay more to the Government than*

than a Man of a Thouſand Pounds a Year did ever to the Crown here before thoſe Troubles. And I am perſwaded that Monſter Commonwealth coſt this Nation more in the few Years ſhe was begot, born, and brought up, and in her Funeral, (which was the beſt Expence of all,) than the Monarchy hath done theſe Six Hundred Years. 1661.

YOU have done well, Mr. Speaker, *in taking Notice of the great Eſteem the King hath of the Memory of the laſt Parliament; he takes all Occaſions himſelf to do it, and it deſerved it at his Hands. But as the wiſeſt Father takes Joy in the Hopes his Heir will be wiſer than he, and the greateſt Monarch in the Hopes that his Succeſſor will be greater than he: And if the Souls departed feel any Joy upon what is done in this World, it is in the Caſe of ſuch an Heir, ſuch a Succeſſor; ſo you may be confident the Ghoſt of the deceaſed Parliament will be much exalted to ſee your Actions excel theirs, and your Fame exceed theirs. It was a bleſſed Parliament, but there are other and greater Bleſſings reſerved for you. They began many things, which you may have the Happineſs to finiſh; they had not Time nor Opportunity to begin many Things, which you may have the Honour to begin and finiſh: They invited His Majeſty home, reſtored him to his Throne, and Monarchy to the Nation. It will be your Glory ſo to eſtabliſh him in his Power and Greatneſs; ſo to annex Monarchy to the Nation, that He nor His Poſterity ſhall be ever again forced to be abroad, that they be invited home, nor in danger to be reſtored: So to Rivet Monarchy to the Hearts, and to the Underſtandings of all Men, that no Man may ever preſume to conſpire againſt it. Let it not ſuffice that we have our King again, and our*

Laws

1661. Laws again, and Parliaments again; but let us so provide, that neither King, nor Laws, nor Parliaments, may be so used again. Let not our Monarch be undermined by a Fifth Monarchy, nor Men suffered to have the Protection of a Government they profess to hate; root out all Anti-Monarchical Principles at least; let not the same Stratagems prevail against us: Let us remember how we were deceived, and let not the same Artifices over-reach us again: Let King, and Church, and Country, receive more and greater Advantages by the Wisdom and Industry of this Parliament: Let Trade abroad and at home be encouraged and enlarged, all Vices and Excesses be restrained and abolished, by new Laws and Provisions: Let profitable Arts and Industry find so great Encouragement, that all thriving Inventions may be brought from all Parts of the World to enrich this Kingdom, and that the Inventers may grow rich in this Kingdom. And upon this Argument of encouraging Industry, I have a Command from the King to recommend to you the Encouragement or Preservation of a great Work of Industry, in which the Honour and Interest of the Nation is more concerned then in any Work this Age hath brought out, it may be in any Nation; and that is, all the Drainings in England which have given us new Countries upon our own Continent, and brought an inestimable Benefit to King and People by an Art of Creation, making Earth and mending Air by Wit and Industry: Let no Waywardness in particular Persons, or Consideration of Private and Particular Advantage, give disturbance to Works of so publick a Nature, much less destroy such Works, but provide out of Hand for the upholding and supporting them by some good Law, in which

which, *due Care may be taken for all particular Intereſts when the Publick is out of danger.* 1661.

I Have but one deſire more, Mr. Speaker, *to make to you from the King, which the Seaſon of the Year, as well as your Inclinations to gratifie him, will diſpoſe you to, and that is, that you will uſe ſuch Expedition in your Counſels of moſt Importance, that the reſt may be left to a Receſs in the Winter after an Adjournment, that his Majeſty may have a time to beſtow himſelf upon his Subjects in a Progreſs, which he would be glad to begin before the end of* July: *I have leave to tell you the Progreſs he intends, that he Deſires again to ſee his good City of* Worceſter, *and to thank God for his Deliverance there, and to thank God even in thoſe Cottages, and Barns, and Hayloſts, in which he was ſheltered, and foſtered, and preſerved; and in the cloſe of that Progreſs he hopes he ſhall find his Queen in his Arms, and ſo return to meet you here in the beginning of Winter.*

MR. Speaker, *all your Petitions are very grateful to the King; you and your Servants in your Perſons and Eſtates are free from all Arreſts or Moleſtations; your* Liberty *and* Freedom *of Speech is very willingly granted to you; when you would repair to his Majeſty you ſhall be welcome; and his Majeſty will be ſo far from any Jealouſie of your Actions, that he believes it is impoſſible for him to be Jealous of you, or you of him; and if you pleaſe, he will make it penal to nouriſh that unwholeſome Weed in any part of the Kingdom.*

THE intended Marriage of the King having been communicated to the Parliament, as above-mentioned, whatever has been thought ſince of the Lord Chancellor in reſpect to that Match with *Portugal*, the Parliament now with a Joint Vote ex-

1661. expreſſed their humble Acknowledgments to his Majeſty for his Gracious and Free Communication of his Reſolution to Marry with the *Infanta* of *Portugal*; that they received it with great Joy and Satisfaction, with all Earneſtneſs begged a Bleſſing upon it, and a ſpeedy Accompliſhment of it; and that they would upon all Occaſions be aſſiſtant to his Majeſty, in purſuance of thoſe his Intentions againſt all Oppoſitions whatſoever. The Proceedings of this Seſſions of Parliament, the celebrating of the Royal Nuptials, and other Incidences, that have no Mediate or Immediate Relation to the Chancellor's Life and Actions, ſhall have no Room in this Place. But whatever has been ſpoken by him as a Stateſman and in Publick, ought by no means to be omitted, ſince all his Harangues have ſo much Weight, Solidity, and Judgment in them, and are ſo difficult to be met with anywhere elſe, and therefore let us haſten to the 19th of *May* 1662, at which time the Parliament being to be Prorogued.

HIS Majeſty was pleas'd to tell them, he thought there had been very few Seſſions of Parliament in which there had been ſo many Bills as he had paſſed that Day: That he was confident never ſo many Private Bills, which he hoped they would not draw into Example. That it was true, thoſe late ill Times had driven Men into great Streights, and might have obliged them to make Conveyances colourably to avoid Inconveniences, and yet not afterwards to be avoided; and that Men had gotten Eſtates by new and greater Frauds than had been heretofore practiſed; and that therefore in that Conjuncture extraordinary Remedies might be neceſſary, which had induced him to comply with their Advice in paſſing theſe Bills; but he pray'd that this might

be

be very rarely done hereafter: That the good old Rules of the Law were the best Security; and that they should not let Men have too much cause to fear, that the Settlements they made of their Estates should be too easily unsettled when they were dead by the Power of Parliaments. 1662.

HAVING as it were premised this, he proceeded, and said, that they had so much obliged him, not only in the Matter of those Bills which concerned his Revenue, but in the manner of passing them, with so great Affection and Kindness to him, that he knew not how to thank them enough. He did assure them, and he pray'd them to assure their Friends in the Country, that he would apply all they had given him to the utmost Improvement of the Peace and Happiness of the Kingdom, and would with the best Advice and good Husbandry he could bring his Expences within a narrower Compass. That since now he was speaking to them of his own good Husbandry, he must tell them that would not be enough; that he could but observe to them that the whole Nation seem'd to him a little corrupted in their Excess of Living. That surely all Men spent much more in their Clothes, in their Diet, in all their Expences, than they had used to do. That he hoped it had only been the Excess of Joy, after so long Sufferings, that had transported them to these other Excesses; but they were to take heed that the Continuance of them did not indeed corrupt their Natures. That he did believe he had been faulty that Way himself; he promised them he would reform; and if they would join with him in their several Capacities, they should by their Examples do more Good, both in City and Country than any new Laws would do. He told them again, he

1662. *would do his part, and he would tell ſome of them if they did not do theirs. He hoped the Laws he had paſſed that Day would produce ſome Reformation with reference to the Multitude of Beggars and Poor People which infeſted the Kingdom; great Severity was to be uſed to thoſe who loved Idleneſs, and refuſed to work, and great Care and Charity towards thoſe who were willing to work. He very heartily recommended the Execution of thoſe good Laws to their utmoſt diligence, and he was ſure he needed not put them in mind ſo to ſettle the* Militia, *that all Seditious Inſurrections might not only be prevented, to which the Minds of too many were inclined, but that the People might be without reaſonable Apprehenſion of ſuch Inſecurity. That they would eaſily beleive, that it was very neceſſary for the Publick Juſtice of the Kingdom, and even for the Preſervation of the Reverence due to Parliaments, that he ſhould make that a Seſſion; and it would be worthy of their Wiſdoms when they came together again, to provide that there ſhould not be ſo great Clamour againſt the Multitude of Protections.*

Having concluded thus, and referred according to Cuſtom what was farther to be ſaid to the Chancellor, who 'tis to be preſumed was the Dictator of both Speeches, he began thus.

My Lords, and you the Knights, Citizens and Burgeſſes of the Houſe of Commons.

'IT is now little more than a Year that the 'King firſt called you to attend him here, at 'the opening of the Parliament: Then you 'may remember he told you, that he thought 'there were not many of you, who were not 'particularly known to him; that there were

'very

'very few of whom he had not heard so much 1662.
'good, that he was (he said) as sure as he
'could be of any thing that was to come, that
'you would all concur with him, and that he
'should concur with you in all things, which
'might advance the Peace, Plenty, and Pros-
'perity of the Nation. His Majesty said he
'should be exceedingly deceived else.

'IT was a Princely Declaration, and a rare
'Confidence, which could flow from no other
'Fountain, but the Sincerity and Purity of his
'own Conscience, which admitting no other
'Designs or Thoughts into his Royal Breast,
'but such as must tend to the unquestionable
'Prosperity and Greatness of his People, could
'not but be assured of your full Concurrence
'and Co-operation with him. It was a happy
'Omen, which at the Instant struck a Terror
'into the Hearts of those who promised them-
'selves some Advantages from the Differences
'and Divisions in your Counsels, and hoped
'from thence to create new Troubles and Mo-
'lestations in the Kingdom; and, God be thank-
'ed, the King hath been so far from being ex-
'ceedingly deceived, that he doth acknowledge
'he hath been exceedingly complied with, ex-
'ceedingly gratified in all he hath desired, and
'he hopes he hath not in the least Degree dis-
'appointed your Expectation.

Mr. Speaker, and you Gentlemen of the House of Commons.

'YOU have, like the Richest and the Noblest
'Soil, a Soil Manured and Enriched by the
'bountiful Hearts of the best Subjects in the
'World, yielded the King Two full Harvests
'in One Year; and therefore it is but good
'Husbandry to lie fallow for some time: You

1662. ‘have not only supplied the Crown to a good
‘Degree for discharging many Debts and Pres-
‘sures, under which it even groaned, and en-
‘abled it to struggle with the present Streights
‘and Necessities, Debts not contracted, and Ne-
‘cessities not run into by Improvidence and
‘Excess; you may, when you please, receive
‘such an Account as will clear all such Re-
‘proaches: But you have wisely provided such
‘a constant growing Revenue, as may with
‘God's Blessing preserve the Crown from those
‘Scandalous Wants and Necessities, as have
‘heretofore exposed it and the Kingdom to
‘those dismal Miseries, from which they are
‘but even now buoyed up; for whatsoever o-
‘ther humane Causes may be assigned, accord-
‘ing to the several Fancies and Imaginations of
‘Men, of our late miserable Distractions, they
‘cannot be so reasonably imputed to any one
‘Cause, as to the extream Poverty of the
‘Crown: The Want of Power could never
‘have appear'd, if it had not been for the Want
‘of Money.

‘YOU have, *my Lords and Gentlemen*,
‘worthily provided for the Vindication and
‘Manifestation of the one by the Bill of the
‘*Militia*, and for the supply of the other by
‘the Act for the Additional Revenue; and I
‘am confident, both the present and succeeding
‘Ages will bless God, and celebrate your Me-
‘mories for those Two Bills, as the Foundati-
‘tion of their Peace, Quiet and Security, how
‘froward and indisposed soever many are at
‘present, who finding such Obstructions laid
‘in their Way to Mutiny and Sedition, use all
‘the Artifice they can to perswade the People,
‘that you have not been sollicitous enough
‘for their Liberty, nor tenacious enough for

‘their

'their Profit, and Wickedly labour to leſſen 1662.
'that Reverence towards you, which ſure was
'never more due to any Parliament.

'IT was a very Natural and an Ingenious 'Animadverſion and Reflection, which the late 'Incomparable Lord Viſcount of St. *Albans* 'made upon that old Fable of the Giants, who 'were firſt overthrown in the War againſt the 'Gods, when the Earth, their Mother, in Re-'venge thereof, brought forth *Fame*; which, he 'ſaid, is the ſame when Princes and Monarchs 'have ſuppreſſed actual and open Rebellion, 'then the Malignity of the People, the Mother 'of Rebellion, doth bring forth Libels, Slan-'ders, and Taxation of the State, which he 'ſays is of the ſame kind with Rebellion, but 'more Feminine. And without doubt, this 'Seditious Daughter of the Earth, this Spirit 'of Libelling, was never more pregnant than 'it is now; nor King nor Parliament, nor 'Church nor State, ever more expoſed to thoſe '*Flagella linguæ*, thoſe Strokes of the Tongue, 'from which God Almighty can only preſerve 'the moſt Innocent and moſt Excellent Perſons; 'as if Repining and Murmuring were the pe-'culiar Exerciſe of the Nation, to keep it in 'Health; as if *England* had ſo much of the 'Merchant, *Nunquam habendi fructu fœlix, 'ſemper autem quærendi cupiditate miſerri-'ma.*

'MEN are in no Degree diſpoſed to imi-'tate, or remember the general excellent Tem-'per of the Time of Queen *Elizabeth*, the 'Bleſſed Condeſcention and Reſignation of the 'People then to the Crown, the awful Re-'verence they then had to the Government, and 'to the Governors, both in Church and 'State. This good and happy Spirit was in

1662. 'a time beyond our Memory; but they remember, as if it were but Yesterday, how few 'Subsidies Parliaments then gave to that Queen, 'how small Supplies the Crown then had 'from the People, and wonder that the same 'Measures should not still fill the Coffers, and 'give the same Reputation, and make the same 'Noise in Christendom.

'BUT (*my Lords and Gentleman*) how, 'bold soever some unquiet Spirits are with you 'upon this Argument, you are much superior 'to those Reproaches. You know well, and 'you can make others know, without breaking 'the Act of Indempnity, how the Crown hath 'been since used, how our Sovereign Lord the 'King found it at his blessed Return to it; 'you can tell the World, that as soon as he 'came hither, besides the infinite that he for-'gave more Money to the People, than he hath 'since received from them; that at least Two 'Part of Three, that they have since given 'him, have issued for the disbanding Armies 'never raised by him, and for Payment of 'Fleets never sent out by him. You will put 'them in mind of the vast Disparity between 'the former Times, and these in which we 'live, and consequently of the Disproportion in 'the Expence the Crown is now at, for the 'Protection and Benefit of the Subject, to 'what it formerly underwent. How great a 'Difference there is in the present Greatness 'and Power of the Two Crowns, and what 'they were then possessed of, is evident to all 'Men; and if the Greatness and Power of 'the Crown of *England* be not in some Propor-'tion improved too, it may be liable to Inconve-'niencies it will not undergo alone. How our 'Neighbours and our Rivals, who court one 'and the same Mistress, Trade and Commerce,

'with

'with all the World, are advanced in Ship- 1662.
'ping, Power, and an immoderate Desire to
'engross the whole Traffick of the Universe,
'is Notorious enough, and this unruly Appe-
'tite will not be restrained or disappointed,
'nor the Trade of this Nation supported and main-
'tained with the same Fleet and Forces which
'were maintained in the happy Times of Queen
'*Elizabeth*. Not to speak of the Naval Power of
'the *Turks*, who instead of sculking abroad
'in Poor Single Ships as they were wont to
'do, Domineer now on the Ocean in strong
'Fleets, make Naval Fights, and have
'brought some Christians to a better Corre-
'spondence and another kind of Commerce
'and Traffick with them, than was expected;
'insomuch as they apprehend no Enemy upon
'the Sea, but what they find in the King of
'*England*'s Ships, which hath indeed brought
'no small Damage upon them, with no small
'Charge to the King, but a great Reputation
'to the Nation.

My Lords and Gentlemen,

'YOU may with a very good Conscience
'assure your selves, and your Friends and Neigh-
'bours, that the Charge the Crown is now at
'by Sea and Land, for the Peace and Securi-
'ty, and Wealth and Honour of the Nation,
'amounts to no less than Eight Hundred
'Thousand Pounds a Year; all which did not
'cost the Crown before these Troubles, Four-
'score Thousand Pounds the Year; and there-
'fore they will never blame you for any Supply
'you have given, or Addition you have made
'to the Revenue of the Crown: and whoso-
'ever unskilfully murmurs at the Expence
'of *Dunkirk*, and the other new Acquisitions,
'which ought to be looked upon as Jewels of
'an immense Magnitude in the Royal Diadem,

1662. 'do not enough remember what we have loſt 'by *Dunkirk*, and ſhould always do, if it 'were in an Enemies Hands; nor duly conſider 'the vaſt Advantages thoſe other Dominions 'are like, by God's Bleſſing, in a ſhort time, to 'bring to the Trade, Navigation, Wealth and 'Honour of the King and Kingdom. His 'Majeſty hath enough expreſſed his Deſire to 'live in a perfect Peace and Amity with 'all his Neighbours: Nor is it an ill Ingre-'dient towards the Firmneſs and Stabili-'ty of that Peace and Amity, which his 'Royal Anceſtors have held and maintained 'with them, that he hath ſome Advanta-'ges in Caſe of a War, which they were 'without.

'IT was a right Ground of Confidence, ſuch 'an one as ſeldom deceives Men, that the great 'Law-maker, the wiſe *Solon*, had, when he 'concluded, that Reverence and Obedience 'would be yielded to his Laws, becauſe he 'had taken the Pains to make his Citizens 'know and underſtand that it was more for 'their Profit to obey Law and Juſtice, than 'to contemn and break it. The extravagant 'Times of Licence, which I hope we have al-'moſt outlived, have ſo far corrupted the 'Minds, and even the Nature of too many, 'that they do not return with that Alacrity 'they ought to do into the Road and Paths of 'Order and Government, from which they have 'ſo long been led aſtray: Nor, it may be, is 'there Pains enough taken, to make them un-'derſtand the Profit, Benefit and Eaſe, which 'always attends a chearful Obedience and 'Submiſſion to Laws and Government. I am 'perſwaded, a little Pains and Kindneſs and 'Condeſcention in the wiſe, towards the

'weak

'weak, half the Diligence and Dexterity in 1662.
'Converſation and Example, which hath been
'uſed to corrupt the People in their Loyalty
'and Underſtanding, will quickly reduce
'them to their Primitive Temper, which is, to
'be the beſt Neighbours, the beſt Friends,
'and the beſt Subjects of the World:
'And I make no Queſtion but the great Piety
'and Devotion, the Moderation, Wiſdom,
'Charity and Hoſpitality of my Lords the
'Biſhops, in their ſeveral Dioceſſes, will in a
'ſhort time recover the poor miſled People:
'And though the Frowardneſs and Pride of
'ſome of their Teachers may not be yet e-
'nough ſubdued, though ſome of the Clergy
'ſtill repeat their old Errors, for which they have
'been glad to receive Pardon, and do in truth
'diſcredit all their other Doctrine, with the
'Abſence of any viſible Repentance for what
'Miſchief they have formerly done, yet I hope
'the Laity will ſoon return into the Boſom of
'their dear Mother the Church, and eaſily diſ-
'cern the Fraud and Impoſture of their Sedu-
'cers; and that all Diligence and Dexterity
'will be uſed, ſeriouſly and heartily to recon-
'cile both Clergy and Laity, by all means
'which may prove effectual.

'YOU have, *my Lords and Gentlemen*,
'like wiſe Patriots, upon your Obſervation,
'that the moſt ſignal Indulgence and Conde-
'ſcentions, the Temporary Suſpenſion of the
'Rigour of former Laws, hath not produced
'that Effect which was expected that the Hu-
'mours and Spirits of Men are too rough and
'boiſterous for thoſe ſoft Remedies, you have
'prepared ſharper Laws and Penalties, to
'contend with thoſe refractory Perſons, and to
'break that Stubbornneſs which will not bend

'to

1662. 'to gentler Applications: And it is great Reason that they upon whom Clemency cannot prevail, ſhould feel that Severity they have provoked. You have done your Parts like good Phyſicians, made wholeſome Preſcriptions for the Conſtitution of your Patients, well knowing that the Application of theſe Remedies, the Execution of theſe ſharp Laws depends upon the moſt diſcerning, generous, and merciful Prince, who having had more Experience of the Nature and Humour of Mankind, than any Prince living, can beſt diſtinguiſh between the Tenderneſs of Conſcience, and the Pride of Conſcience; between the real Effects of Conſcience, and the wicked Pretences to Conſcience; who having fought with Beaſts at *Epheſus*, knows how to guard himſelf and the Kingdom from the Aſſaults and Violence of a ſtrong, Malicious, corrupted Underſtanding and Will; and how to ſecure himſelf and the Kingdom from the feeble Traps and Nets of deluded Fancies and Imaginations: In a Word, a Prince of ſo excellent a Nature, and ſo tender a Conſcience himſelf, that he hath the higheſt Compaſſion for all Errors of that kind, and will never ſuffer the Weak to undergo the Puniſhment ordained for the Wicked, and knows and underſtands better than any Man that excellent Rule of *Quintilian*, *Eſt aliquid quod non oportet, etiamſi licet, & aliud eſt jura ſpectare, aliud juſtitiam.*

My Lords and Gentlemen,

'*MACHIAVEL*, who, they ſay, is an Author much ſtudied of late in this Kingdom, to extol his own excellent Judgment and Inſight in Hiſtory, in which

'in-

'indeed he was a Maſter, would perſwade 1662.
'Men to believe, that the true Reaſon why
'ſo many unexpected Accidents and Miſchiefs
'fall out, to the Deſtruction of States and
'Empires, is, becauſe their Governors have
'not obſerved the ſame Miſchiefs hereto-
'fore in Hiſtory, and from whence they
'proceeded, and what Progreſs they made;
'which he ſays, if they had done, they might
'eaſily have preſerved themſelves from Ruin,
'and prevented the Inconveniencies which
'have faln out. I am ſure, you are all good
'Hiſtorians, and need only to reſort to the
'Records of your own Memories. Remember
'how your Peace hath been formerly di-
'ſturbed, by what Contrivance and Artifices
'the People have been Alarm'd with unrea-
'ſonable and unnatural Fears and Jealouſies,
'and what diſmal Effects thoſe Fears and Jea-
'louſies have produced. Remember how
'near Monarchy hath been diſſolved, and the
'Law ſubverted, under Pretence of Reform-
'ing and Supporting Government, Law, and
'Juſtice. And remember how many honeſt
'Perſons were miſled by not diſcerning Con-
'ſequences, who would as ſoon have re-
'nounced their Part in Heaven, as have con-
'curred in the firſt unwarrantable Action, if
'they had ſuſpected what did follow: And
'if we ſuffer the ſame Enemy to break in
'upon us at the ſame Avenues, if we ſuffer
'our Peace to be blown up by the ſame
'Trains and Machinations, we ſhall be
'held very ill Hiſtorians, and worſe Politi-
'cians.

THERE is an Enemy amongſt us, of
'whom I doubt we are not jealous enough,
'and towards whom we cannot be too vigilant,

'and

1662. 'and in Truth, in Compariſon of whom we 'may reaſonably undervalue all other Ene-'mies; that is, the Republicans, the Com-'monwealthſmen, who are every Day calling 'in Aid of the Law, that they may Over-'throw and Aboliſh the Law, which they 'know to be their irreconcilable Enemy. In-'deed, *My Lords and Gentlemen*, there is a 'very great Party of thoſe Men in every Fa-'ction of Religion, who truly have no Reli-'gion, but as the Pretence ſerves to advance 'that Faction. You cannot be too ſollicitous, 'too inquiſitive after theſe Men, who are reſt-'leſs in their Counſels, and wonderfully pun-'ctual and induſtrious in their Correſponden-'cies, which they maintain Abroad as well as 'at Home: And you cannot doubt they have 'Encouragement enough from Abroad; few of 'our Neighbours love us ſo exceedingly well, 'but they would be glad to ſee us entangled in 'Domeſtick Broils. Theſe Men are worthy of 'your Care and Diligence, in your ſpeedy 'ſettling the *Militia*, which the King hath 'even now ſo particularly recommended to 'you.

I SHALL conclude with only putting you in 'Mind that there was ſcarce ever a more dan-'gerous Sedition in the Republick of *Rome*, 'than in a time of full Peace, when the Citi-'zens were ſullen, when there was no Noiſe 'but in Whiſpers, when Men neglected their 'Trades, and ſtayed idle in their own Houſes, 'as if they cared not which way the World 'went, from whence alone their Neigh-'bours, the *Etrurians*, were encouraged to 'make a War upon them. *Novum Seditionis* '(ſays *Livy*) *ſilentium otiumque inter cives.* 'Never any Nation under Heaven has leſs

'Cauſe

'Cauſe of Sullenneſs than we, never more of Joy and Thankſgiving: We all know that God Almighty loves a chearful Giver, and we may as well know that he loves a chearful Receiver; beſides all other Stupendious Bleſſings conferred upon us, he hath given us the moſt chearful Giver that ever People hath been bleſt with; a King that hath with all imaginable Chearfulneſs given us all we have asked of him, all he hath to give; who would not take or retain any thing we give to him, but for our own Sakes; that by receiving and retaining it, he may give it to us again, in more Abundance, in Abundance of Peace, and Plenty, and Honour, and all the Comforts which can make a Nation happy. 1662.

THIS Time hath made a glorious Addition to our Happineſs, which ought proportionably to increaſe our Chearfulneſs; we wanted only one Bleſſing, the Arrival of our Queen, whom God hath now ſafely brought to us; a Queen of ſuch a rare Perfection in Body and Mind, of ſuch great Endowments of Wiſdom, Virtue, and Piety, that we may reaſonably promiſe our ſelves from her, all the Happineſs we are capable of, and a Succeſſion of Princes to govern us till the end of the World; and there cannot be a more tranſcendent Inſtance of the King's Love and Paſſion for his People, than that he hath ſtaid theſe Four Days to take his Leave of you; and that he might give you This Days Work, all theſe good Laws, hath denied himſelf ſo long the enjoying the greateſt Comfort he is aſſured of in this World.

'IF

1662. 'IF there be not the moſt Univerſal Joy 'in the Reception of theſe Bleſſings; if there 'be not an Univerſal Contentedneſs and Satiſ- 'faction in the Hearts of all Men; and 'if that Contentedneſs and Satisfaction 'do not break out, and is not viſible in 'the Looks and Thoughts, and Words and 'Actions of the whole Nation, to the inflam- 'ing the Hearts of the other Nations under his 'Majeſties Obedience by our Example, we 'are guilty of an Ingratitude that is worthy 'to deprive us of all we enjoy, and to diſap- 'point us of all we pray for. And therefore 'I do moſt humbly beſeech you, *My Lords and* 'Gentlemen, That as there is a moſt noble 'Cheerfulneſs and Alacrity viſible in you, 'and hath ſhed itſelf over all your Counte- 'nances; ſo that you will think it worthy of 'your Pains, to infuſe the ſame good Spirit 'into City and Country, that they might all 'expreſs that Joy and Delight in the Bleſſings 'they are poſſeſſed of, and cheerfully endea- 'vour to improve thoſe Bleſſings by their cheer- 'ful Enjoying them, that God may continue 'thoſe Bleſſings to us, and the King's Com- 'fort may be encreaſed, by the Comfort he 'ſees we have in him, and in what he 'hath done for us: And as all Princes may take 'a Pattern from him to Govern, and make 'their Subjects happy; ſo that all Subjects may 'learn from us how to obey, and make that 'Happineſs laſting to them, by an eminent and 'innocent Alacrity in their Acknowledgment.

'I AM by the King's expreſs Command, 'to add one Particular which his Majeſty 'meant, but forgot to ſay himſelf. You can- 'not but obſerve that his Majeſty hath not 'paſſed the Bill that concerns the Earl of

'*Derby*,

'*Derby*, which you cannot imagine proceeds from his Majeſties Want of Care of, and Kindneſs to that Noble Family, which hath ſerved him ſo faithfully, and ſuffered ſo much for ſo doing: But all Parties having referred the Matter to his Majeſty, he doubts not but to make a better End for that Noble Earl then he would attain if the Bill had paſſed. 1662.

'I SHALL only add the King's Commands for Prorogation of this Parliament till the Eighteenth Day of *February* 166$\frac{2}{3}$, and this Parliament is Prorogued till the Eighteenth Day of *February* next.

IT was a great Weakning to my Lord Chancellor *Clarendon*'s Intereſt and Stability at Court, that Mr. Secretary *Nicholas* ſhould on the 2d of *October*, this Year, be put out of his Office of Secretary of State, and that Sir *Henry Bennet*, afterwards Created Earl of *Arlington*, no real Friend of the Chancellor, and one that lied at length a Papiſt, ſhould be ſworn into his Place: This, the Chancellor, who was a Nobleman, not only of great Experience in State Affairs, but of an uncommon diſcerning Genius, could not but foreſee was deſigned for no Good to him, and therefore he armed himſelf with all his Dexterity againſt it, as againſt an Enemy that would give him no Quarter: And indeed he made ſuch a Proviſion for a ſecure footing where he ſtood, that there could be no juſt Apprehenſions of loſing any Ground: But the real and heavy Storm proceeds many times from the moſt unexpected Quarter. There had been a long Courſe of uninterrupted Friendſhip both at Home and Abroad, in a proſperous and adverſe Fortune, between *George* Earl of *Briſtol*, and the Earl of *Clarendon*; ſo that the ſame ſeemed to be like the

Gor-

1663. *Gordian* Knot, indiſſoluble; but the Chancellor refuſing a ſmall Boon, as the Earl of *Briſtol* took it to be, which 'twas ſaid, was the paſſing a Patent in Favour of a Court Lady, and wherein the Chancellor, who was beſt Judge of his own Office, was certainly in the Right; this ſo ſowered the others Spirits, as never dreaming he ſhould be denied, that his Thoughts ſuggeſted nothing to him from thenceforwards but Malice, and the higheſt Revenge. And having digeſted all Things within himſelf, which he imagined might tend to the Diſadvantage and Ruin of the Chancellor, he firſt made a bitter and artful Speech enough againſt him in the Houſe of Lords; and then on the 10th of *July*, 1663 exhibited Articles of High Treaſon and other Heinous Miſdeamenors againſt *Edward* Earl of *Clarendon*, Lord High Chancellor of *England*; which he framed after this manner.

1. THAT *being in Place of higheſt Truſt and Confidence with his Majeſty, and having arrogated a Supream Direction in all His Majeſty's Affairs, both at Home and Abroad, hath Wickedly and Maliciouſly, and with a Traiterous Intent to draw Scandal and Contempt upon His Majeſty's Perſon, and to alienate from him the Affections of his Subjects, abuſed the ſaid Truſt in manner following*, viz.

2. THAT *he hath Traiterouſly and Maliciouſly endeavoured to Alienate the Hearts of His Majeſty's Subjects from him by Words of his own, and by Artificial Inſinuations of his Creatures and Dependants, that His Majeſty was inclined to* Popery, *and had a Deſign to alter the Religion Eſtabliſhed in this Kingdom.*

THAT

1663.

THAT *in pursuance of that Traiterous Intent he hath to several Persons of His Majestie's* Privy-Council *held Discourses to this Effect*, viz.

THAT *His Majesty was Dangerously Corrupted in his Religion, and inclined to* Popery.

THAT *Persons of that Religion had such Access, and such Credit with him, that unless there were a careful Eye had unto it, the* Protestant Religion *would be overthrown in this Kingdom; and in pursuance of the said Wicked and Traiterous Intent, upon His Majesties admitting Sir* Henry Bennet *to be Principal* Secretary *of* State, *in the Place of Mr. Secretary* Nicholas, *he hath said these Words, or Words to this Effect;*

THAT *His Majesty hath given* 10000 l. *to remove a zealous* Protestant, *that he might bring into that Place of High Trust a concealed* Papist, *notwithstanding that the said Sir* Henry Bennet *is known to have ever been both in his Profession and Practice constant to the* Protestant Religion.

THAT *in pursuance of the same Traiterous Design, several near Friends and known Dependants of his have said aloud, that were it not for my Lord* Chancellor's *standing in the Gap,* Popery *would be introduced into this Kingdom, or Words to that Effect.*

THAT *in pursuance of the aforesaid Traiterous Design, he hath not only advised and perswaded the King to do such Things, contrary to his own Reasons and Resolutions, as might confirm and encrease the Scandal, which he hath endeavoured to raise upon His Majesty as aforesaid, of his favour to* Popery, *but more particularly to allow his Name to be used to the*

1663. *Pope and ſeveral Cardinals in the Sollicitation of a Cardinals Cap for the Lord* Aubigney, *one of his own Subjects, and great* Almoner *at preſent to his Royal Conſort the Queen.*

THAT *in Purſuance of the ſame Wicked and Traiterous Deſign, he had recommended to be employed to the Pope one of his Domeſticks, Mr.* Rich. Bealing, *a Perſon (tho an avow'd* Papiſt) *known to be truſted and imployed by him in Diſpatches and Negotiations concerning Affairs of greateſt Concernment to the Nation.*

THAT *in Purſuance of the ſaid Traiterous Deſign, he being chief Miniſter of State, did himſelf write by the ſaid Mr* Rich. Bealing *Letters to ſeveral Cardinals, preſſing them in the King's Name to induce the Pope to Confer a Cardinal's Cap on the ſaid Lord* Aubigney, *promiſing, in Caſe it ſhould be attained, Exemption to the* Roman Catholicks *of* England *from the* Penal Laws *in Force againſt them; by which Addreſs unto the Pope for that Eccleſiaſtical Dignity for one of His Majeſty's Subjects and Domeſticks, he hath, as far from one Action can be inferred, traiterouſly acknowledged the Pope's Eccleſiaſtical Sovereignty, contrary to the known Laws of this Kingdom.*

THAT *in Purſuance of the ſame Traiterous Deſign, he has called unto him ſeveral Prieſts and Jeſuits, whom he knew to be Superiors of Orders here in* England, *and deſired them to write to their Generals at* Rome, *to give their help for the obtaining from the Pope the Cardinal's Cap for the Lord* Aubigney, *aforeſaid, promiſing great Favour to* Papiſts *here, in caſe it ſhould be effected for him.*

THAT *he hath promiſed to ſeveral* Papiſts *he would do his endeavour, and ſaid, he hoped to compaſs the taking away all* Penal Laws *againſt them*

them, which he did in Pursuance of the Traiterous Design aforesaid; to the end they might presume and grow vain upon his Patronage, and by their publishing their Hopes of Toleration, encrease the Scandal endeavoured by him, and by his Emissaries, to be raised upon His Majesty throughout the Kingdom. 1663.

THAT in Pursuance of the same Traiterous Design, being intrusted with the Treaty betwixt His Majesty, and his Royal Consort the Queen, he concluded it upon Articles Scandalous and Dangerous to the Protestant Religion.

THAT in Pursuance of the same Traiterous Design, he concluded the same Marriage, and brought the King and Queen together, without any settled Agreement in what manner the Rights of his Marriage should be performed, whereby the Queen refusing to be married by a Protestant Priest, in case of her being with Child, either the Succession should be made uncertain for Want of the due Right of Matrimony, or else His Majesty to be exposed to a Suspicion of having been married in his own Dominions by a Romish Priest, *whereby all the former Scandals endeavoured to be raised upon His Majesty by the said Earl, as to Point of* Popery, *might be confirmed and heightned.*

THAT having thus Traiterously endeavoured to Alienate the Affections of his Majesty's Subjects from him upon the Score of Religion, *he hath endeavoured to make use of all the Malicious Scandals and Jealousies, which he and his Emissaries had raised in His Majesty's Subjects, to raise from them unto himself a Popular Applause of being the Zealous Upholder of the* Protestant Religion, *and a Promoter of new Severities against* Papists.

1663. THAT *he hath Traiterously endeavoured to Alienate the Affections of his Majesties Subjects from him, by venting in his own Discourse, and by the Speeches of his neareſt Relations and Emiſſaries, Opprobrious Scandals againſt his Majesties Perſon and Courſe of Life, ſuch as are not fit to be mentioned, unleſs Neceſſity in the Way of Proof ſhall require it.*

THAT *he hath Traiterouſly endeavoured to Alienate the Affections of his Highneſs the Duke of* York *from his Majeſty, by ſuggeſting unto him Jealouſies, as far as in him lay and publiſhing abroad by his Emiſſaries, that his Majeſty intended to Legitimate the Duke of* Monmouth.

THAT *he hath Wickedly and Maliciouſly, contrary to the Duty of a Privy-Councellor of* England, *and contrary to the perpetual and moſt important Intereſt of this Nation, perſwaded his Majeſty againſt the Advice of the Lord* General *to withdraw the* Engliſh *Garriſons out of* Scotland, *and to demoliſh all the Forts built there, at ſo vaſt a Charge to this Kingdom.*

THAT *his Majeſty having been graciouſly pleaſed to communicate the Deſires of the Parliament of* Scotland, *for the Remove of the ſaid Garriſons, to the Parliament of* England, *and to ask their Advice therein, the ſaid Earl of* Clarendon, *not only perſwaded his Majeſty actually to remove thoſe Garriſons without expecting the Advice of his Parliament of* England *concerning it, but did by Menaces of his Majeſties Diſpleaſure, deter ſeveral Members of Parliament from moving the Houſe, as they intended, to enter upon Conſideration of that Matter.*

THAT *he had Traiterouſly and Maliciouſly endeavoured to alienate his Majeſties Affections and Eſteem from his Parliament, by telling his Majeſty that there was never ſo weak and*

In-

Inconſiderable a Houſe of Lords, nor never ſo Weak and ſo Heady a Houſe of Commons, or Words to that Effect; and particularly, that it was better to ſell Dunkirk, *than to be at their Mercy for want of Money, or Words to that Effect.* 1663.

THAT he hath Wickedly and Maliciouſly, contrary to his Duty of Councellor, a and to a known Law made laſt Seſſions, by which Money was given, and particularly applied for the maintaining of Dunkirk, *adviſed and effected the Sale of the ſame to the* French *King.*

THAT he hath contrary to Law Enriched himſelf and his Treaſures by the Sale of Offices.

THAT contrary to his Duty he hath Wickedly and Corruptly Converted to his own uſe great and vaſt Sums of Publick Money raiſed in Ireland *by way of Subſidy, Private and Publick Benevolences, and otherwiſe given and intended to defray the Charge of the Government in that Kingdom; by which Means a Supernumerary and diſaffected Army hath been kept up there, for want of Money to pay them off, occaſioned it ſeems to be becauſe of the late and preſent Diſtempers of that Kingdom.*

THAT having arrogated to himſelf a Supream Direction of all his Majeſties Affairs, he hath, with a malicious and corrupt Intention, prevailed to have his Majeſties Cuſtoms Farmed at a far lower Rate than others do offer, and that by Perſons, with ſome of whom he goes a ſhare in that, and other Parts of Money reſulting from his Majeſties Revenue.

July 10th, 1663.

BRISTOL.

1663. THE House of Peers having the same Day taken the Matter into their Consideration, ordered that a Copy of the Articles or Charge should be delivered to the Lord *Chief-Justice*; who, with all the rest of the Judges, were to consider whether the said Charge had been brought in regularly and legally, and whether it might not be proceeded in, and how, and whether there were any Treason in it or no, and make Report thereof to the House on the 13th if they could, or else as soon after as possibly they could.

WHEREUPON all the Judges met at *Serjeants-Inn* in *Fleet-street*, and the Earl of *Bristol* repaired to them thither, desiring to see the Order; which being Read, he told them he came out of Respect to know of them whether they were informed how it came into the *House of Peers*, whether as a Charge, or not: But one of the Judges, who had been present when it was delivered in, saying, *they were tied up by their Order*, his Lordship took some Exception at the manner of his Expression, as if his Lordship's Address were unnecessary at that time, and taking it as a Rebuke upon him, went away. But according to their Order, which supposed it to be a Charge of *High-Treason*, and not mentioning *Misdemeanour*, they did upon Consideration unanimously agree upon this ensuing *Answer*, which on *Monday* the 13th of *July*, the Lord *Chief Justice Foster* did deliver in, *viz.*

WE conceive that a Charge of High-Treason *cannot by the Laws and Statutes of this Realm be originally Exhibited by one Peer against another unto the* House of Peers, *and that therefore a Charge of* High-Treason *by the Earl of* Bristol *against the Lord* Chancellor, *men-*

mentioned in the Order of Reference to us of the 10th of this Instant July, *hath not been regularly and legally brought in, and if the Matters alledged in the said Charge were admitted to be true, altho' alledged to be traiterously done, yet there is no* Treason *in it.* 1663.

THIS *Answer* being given in to the *House of Peers*, the Earl of *Bristol* took some Exceptions at it, and some of the Lords rightly inferred thence, that if it were Irregularly and Illegally brought in, it was a Libel; but the Judges satisfied them that it was not under their Consideration whether it came in as an Information or Charge; their Order requiring them to give an *Answer* to it as a Charge.

SECONDLY, They did not meddle with any thing concerning accusing him of *Misdemeanor*, for their Order reached only to *Treason.*

THIRDLY, That it did not follow, that if this Charge were Irregular or Illegal, that therefore *Bristol* was Criminal: There might be Presidents to give Colour to such kind of Proceedings; for which, till it were declared or known that they were Illegal, they were Titular, and ought not to be punished.

BUT it being much insisted on, the Judges should deliver the Reason of their Opinions in this Case; the Lord of *Bristol* and his Friends, the Chancellor's Enemies, seeming unsatisfied, they replied, That it was never known, that when the Judges, to whom *Questions* were referred from Parliament had unanimously agreed in their Opinions, that Reasons were required from them. Yet, notwithstanding it

1663. being the Desire of the Lords after some things premised, and a Desire that this should not be drawn into an Example, (which the Lords assented unto, for no Order was entred concerning it, there being no Order for delivering their Reasons entred,) it was agreed amongst the Judges that no Note should be reduced, lest they might be required to deliver their Reasons in Writing; nor had the Chief Justice time to digest it in Writing; having only *Monday* Night, after Conference with his Brethren, to think upon it: However, he did on the next Day, being the 14th, deliver the Reasons of all the Judges as to their Opinions by their Consents. And to the first Point, *That a Charge of* High-Treason *could not originally be Exhibited by one Peer against another unto the House of Peers*, the Emphasis of the Word *originally* was shewed.

FOR *First*, an Indictment of *Treason* against a Peer might be removed up to the Lords House to be tried, as it was in 31 *Hen.* IV. in the Earl of *Devonshire*'s Case, but a Steward was then to be made.

SECONDLY, If an Impeachment came from the *House of Commons* unto the *Lords House*, they did not take upon them the Consideration, whether this could be proceeded in or not, for it was not the Case to which they were required to give *Answer*.

THE Judges replied, Upon the Statute 1 *H.* IV. *Chap.* 14. which recites the many great Inconveniencies and Mischiefs by Appeals, and provides that all Appeals of Things within the Realm should be Tried and Determined by the good Laws of the Realm made and used in the time of the King's Noble Progenitors, and

and Appeals of things out of the Realm before the Conſtable and Marſhal; but they relied upon the Clauſe enſuing, and thereupon it was accorded and aſſented, That no Appeals be from thenceforth made, or in any wiſe purſued in Parliament in time to come. The Chief Juſtice ſhewed Appeals in that Statute, and Accuſations by ſingle Perſons were one and the ſame Thing; and that that Statute reached to all Appeals, Charges, Accuſations or Impeachments delivered in in Parliament, whereupon the Perſon Accuſed was to be put to his *Anſwer*, and that they were but ſeveral Names of the ſame Thing; he ſhewed firſt Hiſtorically, that the Appeals 11 *R.* II. and 21 *R.* II. were but Accuſations by thoſe Lords of Felons againſt the other, and differed from the Caſe of the Duke of *Hereford* and *Norfolk*, which was to be tried as 21 *R.* II. *Pl. Cor.* in *Parl. No.* 19. is by the Courſe of the Civil Law, and thereupon Battle was waged. That tho' it concerned *H.* IV. in Intereſt to confirm 11 *R.* II. and Repeal 21 *R.* II. he being Appellant in the former, yet he ſaw the Miſchief ſo great, that he himſelf made Proviſion againſt them for the time to come; and indeed the Miſchief was ſo great, that it ceaſed not after the Deſtruction of many Lords and Families; (there being *lex talionis* in that 21 *R.* II. uſed towards moſt of thoſe Appellants in 11 *R.* II.) till it tumbled King *R.* II. firſt out of his Throne, and then into his Grave. 1663.

THAT there were but Two Sorts of Proceedings in *Capitalibus*, the Suit of the Party which was called an Appeal, or the Suit of the King, who ought to proceed by Indictment,

1663. ment, and so to Trial by Vertue of *Magna Charta*. *Nec super eam ibimus*, &c. and that in an Appeal, being the Suit of the Party, there was no Prerogative of Appearance, if it were an Appeal at the Common-Law, as in 10 *Ed.* IV. The Lord *Gray*'s Case. That an Appeal was taken in our Law-Books frequently for an Accusation by the Party, then he cited *Westm.* the 1st Cap. 14. where the Words Appeal reached to Indictment. And 9 *Cook*, 119. Lord *Zanchar*'s Case, that an Appeal was of Two Significations, one General and frequent in our Books for an Accusation, and *Stamford*, 142. In Case of an Approver, the Felon after Confession may Appeal, that is, (saith he) accuse others Coadjutors with him to do the Felony. *C. C.* 189. Appellant comes from the *French* Word *Appeller*, which signifies to *Accuse* or *Appeach*, and *C. C.* 287. *Appel* signifieth an *Accusation*; and therefore to Appeal a Man is as much as to Accuse, and in Ancient Books, he that doth Appeal a Man is called *Acccusator*, *vide* 9 *Ed.* II. *Articuli Cleri*, *Cap.* 16. That he knew no Reason why in those tumbling Times of *R.* II. (which caused that Statute, for the Statute-Roll is *comant ad autermant este us en temps la darren Roy*, R. II.) They should proceed by Way of Appeal, but because they were then allowed at the Suit of the Party, to accuse any other of *Treason*, but at the King's Suit there ought to be an Indictment, and an Indictment could not be found but by Jury.

THAT in all other Cases an Appeal was to be brought by the Party concerned, the Wife or Heir, or Party Robbed, *&c.* But in Case of *Treason* any Man might Appeal another, and therefore in all Reason it must be un-

understood of an Accusation, and any Man might accuse another of *Treason*; and if it could be proved by Witnesses, it must not be Tried by Battle, as other Appeals might. He concluded that in the 8 *H.* IV. *No.* 38. this Statute, the 1 *H.* IV. *Cap.* 14. is retired, and desired it should be duly kept, and put in Execution, which was granted. That *Stamford* 78. See *Pl. Cor.* 31. 132. agreed that Appeals of *High-Treasons* were not commonly used to be sued in Parliament, till the 1 *H.* IV. *Cap.* 14. Since which time this Manner of Appeal hath gone out of Use; and he said he had searched many Presidents; and tho' of late there might be a President (as it was of the Earl of *Bristol*'s Father against the Duke of *Buckingham*, of some kind of Impeachment) yet he did confidently believe there was not since that Statute, 1 *H.* IV. *Cap.* 14. any one President of such an Impeachment at the Party-Suit, whereupon there was any Indictment: That in Truth, in the Earl of *Bristol*'s Case, the *House of Commons* did Impeach the Duke of *Treason*, and so the Earl of *Bristol*'s Impeachment proceeded not. 1663.

THAT as to the *Second* Point, *That there was no* Treason *in the Change, tho' the Matters in it were alledged to be Traiterously done:* The Chief Justice *Foster* said they had perused each Article *seriatim*, and had found no Treason in them: The great Charge which was endeavoured to be proved by many Particulars, was, *That he did Traiterously and Maliciously endeavour to bring the King into Contempt, and with an Intent to Alien the People's Affections from him*, say, *&c.* such and such *Words*, &c.

AND so it ran on, That in Pursuance of the *Traiterous Intent*, &c. he did, *&c.* and that

1663. that in further purſuance of the ſaid *Traiterous Deſign*, &c. And in like manner were moſt of the Articles upon which the Characters of *Treaſon* ſeemed to be fixed. He ſaid that it was a tranſcendent Miſpriſion or Offence to endeavour to bring the King into Contempt, or to endeavour to Alienate the Peoples Affections from him, but yet it was not *Treaſon*. The Statute, 13 *Car.* II. *Cap.* 1. makes *Treaſon* during the King's Life: But if a Man call'd the King *Heretick*, or *Papiſt*, or that he endeavour'd to introduce *Popery*, (which is more in Expreſs Terms than the Article of that kind Inſinuates) or by Words, Preaching, Prayer, to ſtir up the People to Hatred or Diſlike of the Perſon of his Majeſty, or the Eſtabliſhed Government, the Penalty was only Diſability to enjoy any Place Eccleſiaſtical, Civil, or Military, and to be Subject to ſuch Penalties as by the Common Law or Statutes of the Realm might be inflicted in ſuch Caſe, (which was Fine and Ranſom, with Impriſonment,) and it limited a Time and Manner of Proſecution.

THAT there was an *Objection* made the Day before upon the 25 *E.* III. That this being in Parliament, the King and Parliament had Power to declare *Treaſon*, and then the Judges ought to have delivered their Opinions with a Qualification, *unleſs it were declared Treaſon by Parliament where the Charge was depending.*

1. The Chief Juſtice anſwered to this, that 'twas not *Treaſon* in *præſenti*, and if ſuch a Declaration ſhould be, *non conſtat*, whether it would relate to the time paſt.

SECONDLY, That he conceived that the Statute as touching that *Declaratory Power* extended

but

1663.

ut to ſuch Caſes as were clearly *Felony*, as Sin-
le Acts, if not *Treaſon*, (the Words being)
Whether it be Treaſon, or other Felony; but
respect of the Doubts of *Eſcheats*, which, if
reaſon, belonged to the King, if *Felony*, to the
ords of the *Fee*, it was left to the Parliament.
e did not ſay they Reſolved the Point.

Thirdly, That admitting the *Declaratory*
ower did extend to other Caſes than ſuch as
ere before the Judges, and was not taken a-
ay by 1 *M. Cap.* or any other Statute, yet
e had read my Lord *Cook*'s Opinion at large,
l. Cor. Fol. 22. That this Declaration muſt
by the King, Lords and Commons, and by
y Two of them alone; and they were now
a Judicial Way before the *Houſe of Peers* on-
: And he did affirm as clear Law, that by
at Judicial Way no *Treaſons* could be declared
r adjudged, but ſuch as were expreſly within
e Letter of the 24 *E.* III. and ſaid, that Statute
5 *E.* III. was a Second *Magna Charta*; and that
eir Anceſtors thought it their greateſt Securi-
to narrow, and not to enlarge *Treaſon*, and
ited 1 *H.* IV. *Cap.* 10. to which in the Par-
ament Roll was added *Rot. No.* 17. (it com-
g of the King's Free Grace,) that the Lords
d much rejoice and humbly thank the King:
nd he read the Statute 1 *M. Cap.* 1.

THAT the now Earl of *Briſtol* in my
ord of *Strafford*'s Caſe was the great Aſſertor
the Law againſt Conſtructive and Accumu-
tive *Treaſon*, which if admitted, their Lord-
ips could better ſuggeſt unto themſelves,
an he Expreſs, how great a Door they would
t open to other Inconveniences and Miſchiefs
the Peerage. He concluded with reading
e Act, 14 *Car.* II. for Reverſing the Attain-
r of the Earl of *Strafford*; the firſt Part

where-

1663. whereof he read to them, wherein it was ex-
preſſed, that they who Condemned him, did
purpoſely make an Act of Parliament to Con-
demn him upon an Accumulative *Treaſon*,
none of the pretended Crimes being *Treaſon* a
part, and ſo could not be in the whole, if they
had been proved.

AFTER he had ſpoken to this Effect, the
Earl of *Briſtol* ſeemed to acquieſce, inſomuch
as concerned their Opinions, as the Caſe was
delivered to them; but it being to be put to
the *Queſtion*, whether the Lords did concur
with the Judges Opinions, and himſelf being
concerned in the Illative, that therefore the
Charge was Illegal and Irregular; yet not being
intended by him, as he ſaid, as a Charge, but
an Information, he deſired (tho' as the Caſe was
put to the Judges it was a good Inference) that
the Voting of that might be ſpared till it was
Reſolved by the Lords whether he delivered it
in as a Charge, or only as an Information for
the Matter of the Charge, if it ſhould be
thought fit for their Lordſhips to proceed in
it.

AFTER ſome Debate upon the *Queſtion*
the Lords *Reſolved* the ſame Day according to
the Judges Opinions.

FIRST, That a Charge of *High-Treaſon*
could not by the Laws and Statutes of the Realm
be originally Exhibited by one Peer againſt ano-
ther, unto the *Houſe of Peers*.

SECONDLY, That in theſe Articles, if
the Matters alledged in them were admitted to
be true, there was no *Treaſon* in them, and be-
cauſe the Lords unanimouſly Concurred in them
(my Lord of *Briſtol* did it as freely as any o-
ther) it was by Order entred, that theſe Votes
were *Nemine Contradicente*.

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1663.

MY Lord *Chancellor* being in this manner eared from the Impeachment, tho' not from e Malice of the Earl of *Briſtol* and others; e Chief Juſtice deſired their Lordſhips further obſerve, that in Judge *Hatton*'s Reports the eſolution of the Judges was expreſſed to be, at a Peer could not be Impeached but by imictment, and Mr. *Ruſhworth* in his Collections, ol. 272. expreſſed ſuch an Opinion to be devered by the Judges in 1 or 2 *Car.* But that pon Search it was found to be entred in the ournal of Parliament of that time; but they ere Cautious, referring to the Common Law nly. But as for Proceedings in Parliament, at did not belong to them to Determine, or that effect; but no Mention of 1 *H.* 4. *Cap.* 4. That it had been credibly reported that me of the Judges in my Lord of *Strafford*'s aſe, being asked ſome Queſtions, did with e like Caution deliver their Opinions, and eak with Reſervations, (as the Caſe was put) o' they upon Hearing did know the Caſe iſput; which, after troubled the Conſcience f one of them, being a Grave Learned Man. ut that the now Judges having the Caſe referd to them in Parliament upon Articles exhibited Parliament, did *Reſolve* to deliver their Opiions without any ſuch Reſervation; and the ct of 1 *H.* 4. being expreſs againſt Appeal in rliament, (and of Acts of Parliaments after ey are once made, none under the King, and ithout him are Interpreters but the Judges.) hey therefore did deliver theſe Opinions, which ey conceived of great Benefit to the Lords emſelves, and a juſt Ground for farther Enniry to be made, whether ſuch Impeachments ight be in the *Houſe of Peers* for other *Miſmeanors*, without the King's Leave, or being

Exhibited

1663. hibited by his Attorney. And Secondly, to take into Consideration the Validity of Impeachments of *Treason* by the *House of Commons*, notwithstanding the late Presidents which yet ended in a Bill, and so in the Legislative, not Judiciary Way.

THIS Earl of *Bristol*, that has thus impeached the *Chancellor*, is that Lord *Digby*, so often mentioned in his History of the Rebellion, for his Dexterity in Military and Civil Affairs, he having had a great Share in the Transactions of those unhappy Times, and came to the Honour of *Bristol* upon the Decease of his Ag'd Father *John* Earl of *Bristol* in *France* in 1650, according to *Heylin*'s *help to* English *History*; but rather in 1654.

LET the Earl come to the Honour when he would, it's the most unaccountable thing in Nature to me, that he of all Men should frame those Articles against the Lord *Chancellor*. That the King was Popishly inclined I doubt was but too true, and there is no Question but the *Chancellor* knew it: What Religion Sir *Henry Bennet*, afterwards Earl of *Arlington*, died of, is very well known to some still living: But that he should tax the Earl of *Clarendon* with saying *Bennet* was a Concealed Papist, when *Bristol* himself was so, he having some Years before, when dangerously Sick in *France*, reconciled himself to the Church of *Rome*, as he afterwards Publickly owned it, saying, he had done it in the very Article of Death, is such a Paradox that nothing but inveterate Malice can account for, and so we leave it.

THIS bold Attack upon the *Chancellor*, tho' he came of with Honour, rendred him more Cautious and Circumspect in his Conduct, so that

that Things in all outward Appearance went smoothly on with him, bating that the Gout racked him now and then till the War with the *Dutch* Broke out; which the Libellers of that Age made to be one of his Heinous Crimes, tho' he abhorred it; and you'll see by and by how he Vindicates himself as to this Particular: It's not to be doubted but he was necessitated to say many Things to the Parliament in Publick that he did not very well like within himself; but every thing that he spoke or wrote having a very Excellency Relish in it, I am loth any Piece I could meet with of his should ever be omitted. 1665.

THE raging and most dreadful Pestilence in *London* having oblig'd the Court to withdraw to *Oxford*, and the King having required the Parliament to meet in *Christ-Church-Hall* in that City on the 10th of *October* this Year, it's in some sort necessary to premise what the King was pleased briefly to say to them about the War on Foot, and other Matters, the better to introduce the Lord *Chancellor*'s Speech, who harangued them more at large.

MY Lords and Gentlemen,

I am confident you all believe, that if it had not been absolutely necessary to consult with you, I would not have called you together at this time, when the Contagion hath so spread itself over so many Parts of the Kingdom. I take it for a good Omen to see so good an Appearance this Day, and I doubt not every Day will add to your number; and I give you all my Thanks for your Compliance so far with my Desires.

1665. *THE Truth is, as I entred upon this War by your Advice and Encouragement, ſo I do deſire that you may as frequently as is poſſible, receive Information of the Conduct and Effects of it, and that I may have the Continuance of your Cheerful Supply for the carrying it on. I will not deny to you that it hath proved more chargeable than I could imagine it would have been: The Addition they ſtill made to their Fleets, beyond their firſt Purpoſe, made it unavoidably neceſſary for me to make Proportionable Preparations, which God hath hitherto bleſſed with Succeſs in all Encounters. And as the Enemy have uſed their utmoſt Endeavours by Calumnies and Falſe Suggeſtions to make themſelves Friends, and to perſwade others to aſſiſt them againſt us; ſo I have not been wanting to encourage thoſe Princes who have been wronged by the* Dutch *to recover their own by force; and in order thereunto have aſſiſted the Biſhop of* Munſter *with a very great Sum of Ready Money, and am to continue a Supply to him, who is now in the Bowels of their Country with a Powerful Army.*

THESE Iſſues, which I may tell you, have been made with very good Conduct and Husbandry, (nor indeed do I know that any thing hath been ſpent that could have been well and ſafely ſaved,) I ſay, this Expence will not ſuffer you to wonder, that the great Supply which you gave me for this War, in ſo Bountiful a Proportion, is upon the Matter already ſpent: So that I muſt not only expect an Aſſiſtance from you to carry on this War, but ſuch an Aſſiſtance as may enable me to defend my ſelf and you againſt a more Powerful Neighbour, if he ſhall prefer the Friendſhip of the Dutch *before mine.*

I

1665.

I Told you, when I entred upon this War, that I had not such a Brutal Appetite as to make War for War sake; I am still of the same mind: I have been ready to receive any Propositions that France *hath thought fit to offer to that End; but hitherto nothing hath been offered worthy my Acceptance; nor is the* Dutch *less Insolent, though I know no Advantage they have had, but the Continuance of the Contagion: God Almighty, I hope, will shortly deprive them of that Encouragement.*

THEN having told them the Chancellor will inform them of all the Particulars, this he did in the following Manner.

MY Lords, and you the Knights, Citizens and Burgesses of the House of Commons,

THE King is not content, you see, to leave you to your selves to make a State of this War, and the Success that hath attended it by your own Observation, and the general Communication of all that hath fallen out, which in Truth hath left few Men Ignorant of any thing who have had any Curiosity to inform themselves; but takes Care that you be informed by himself, that you may know all that he knows, that so you may be able to give him your Counsel upon the clearest Evidence.

IN order to this, it will not I hope be unseasonable or ungrateful to you to refresh your Memory, by looking some Years backwards, even to the time of His Majesties Happy Restauration, that we may take the better prospect of the Posture we are now in, and how we have come into it.

1665. WHAT Inclinations His Majesty brought home with him, to live in Amity with his Neighbours of *Holland*, though he had received Indignities enough from them, and in Truth hath been little less proscribed there than he had been in *England*, needs no other Manifestation than that he chose that Place to imbark himself in when he was pressed by the Two Neighbour Kings, from whom he had received more Civilities, to have made use of their Ports. It cannot be denied but that his Reception in *Holland* was with great Civility and Lustre, and a sufficient Evidence that they had a full Sense of the high Honour His Majesty had vouchsafed to them, and the Departure from thence was with equal and mutual Satisfaction in each other; which made many Men the more wonder, that albeit the Ambassadors who were to follow had been nominated before the King left the *Hague*, there was so long an Interval before their Arrival here, that the Two Neighbour Kings, and many other Princes, had finished their Ambassies of Congratulation, before we had heard any more from the United Provinces.

YOU all remember how long it was before the Armies were disbanded, and the Fleets paid off; during which time His Majesty lived upon his Credit, and easily contracted a great Debt for the meer Support of himself and his Houshold, which was not so easily discharged afterwards. There was one thing that exceedingly surprized him, when he found (which will be incredible to Posterity) that a Triumphant Nation, that had made itself terrible to *Christendom*, by having fought more Battels than all the Neighbour Kingdoms and States together had ever done in so few

few Years, and ſeemed to be in a Poſture ready to fight them over again, that had ſo long Reigned over the Ocean in formidable Fleets, ſhould at the time of his Majeſties happy Return, as if on the ſudden all their Arms had been turned into Plough-ſhares, and their Swords into Pruning-hooks, not have in all their Magazines, in all the Stores, Arms enough to put into the Hands of Five Thouſand Men, nor Proviſions enough to ſet out Ten New Ships to Sea; which his Majeſty did not deſire ſhould be known to his beſt Neighbours, how little ſoever he ſuſpected their Affections: Nor did indeed ſo much as make it known to his Parliament, but made it his firſt Care, without the leaſt Noiſe, and with all imaginable Shifts, to provide for the full Supply of thoſe Important Magazines and Stores, which have been ever ſince repleniſhed as they ought to be. 1665.

HE had not the leaſt Imagination that any of his Neighbours would wantonly affect to interrupt the happy Calm that he and themſelves enjoyed, and therefore reſolved to retrench the vaſt Expence of the Navy, under which he found the Nation even to groan; and out of that good Husbandry to provide for more neceſſary Diſburſements: Yet that the World might not think that he had abandoned the Ocean, that the Memory of the Glorious Actions the *Engliſh* had ſo lately performed upon it might not vaniſh in an Inſtant, after he had provided ſuch a Guard as the Narrow Seas never ought to be without, in the Spring he ſent a ſtrong Fleet againſt the Pirate of *Algiers* and *Tripoly*, (who had grown to that Strength and Boldneſs that they interrupted the whole

1665. Trade of *Chriſtendom*) as the only Enemies he would chuſe to have.

IT was a Deſign of great Glory and Expence, crowned in the End by God Almighty with the Succeſs we could wiſh, and with an intire Submiſſion to the *Engliſh* Flag, and as great Security to all his Majeſties Subjects in Trade, as the Engagement and Honour of Infidels can give; and this Agreement ratified with all formality (the like whereof had never been before) by the *Great Turk* himſelf.

HEREUPON the King again renewed his Reſolution for a further Retrenchment of his Naval Expence, even to the leſſening of the Guard in the Narrow Seas; his Merchants in all Places receiving leſs Interruption in their Trade than they had in any former time undergone: Until he received Intelligence from the *Streights*, that the Faithleſs People of *Algiers*, who had ſo lately ſubmitted to him, had committed new Inſolencies upon ſome of his Subjects, or rather upon Foreign Perſons taken by his Subjects into their Protection, and which the *Turks* pretended they might do without Violation of the Treaty: But His Majeſty reſolving to admit none of thoſe Elucidations, loſt no time in ſending a new ſtrong Fleet into the *Mediterranean*, to chaſtiſe thoſe Perfidious Pirates; and after a chargeable War made upon them for near or full Twelve Months, and after having taken ſeveral of their Ships from them, and upon the matter blocking them up in their Harbours, he received a Second Submiſſion from them with better and more Advantageous Conditions than the former.

I Muſt not omit one Circumſtance; that about this time, the *Dutch*, who received much more Prejudice and Damage from the *Turks* than the *Engliſh* had done, beſought his Majeſty that he would once more ſend a Fleet into thoſe Seas againſt thoſe Pirates, and that it might upon all Occaſions join with one they were likewiſe ready to ſend out to the ſame Chriſtian End, and for the utter Extirpation of thoſe Sea-Robbers; and within a very ſhort time after the *Engliſh* Fleet was gone, they likewiſe ſent *De Ruyter* with a good Fleet thither, which was ſo far from any Conjunction with us, that when our Ships chaſed any *Algier-Men* near them, they never offered to obſtruct their flight, but quickly made it manifeſt, that they rather brought Money with them to Buy a Diſhonourable and Diſadvantageous Peace, than to make a War upon them. 1665.

MATTERS ſtanding thus; the King's Fleet being gone into the *Streights* againſt the *Turkiſh* Pirates, and there remaining few Ships in the Narrow Seas, we began every Day to hear of the Depredations by the *Dutch* upon our Merchants in all Parts. Inſtead of delivering up the Iſland of *Poleroon* in the *Eaſt-Indies*, (as by the Treaty they ought to have done,) they by their Naval Power in thoſe Parts hindred us from Trading there, and would not ſuffer our Ships to take in their Lading of ſuch Merchandize as the Factors had provided and made ready for their Freight, upon Pretence that thoſe Parts where the Merchandize was ready to be imbarqued were in the Dominions of ſome Princes whom they had declared to be their Enemies, and ſo they would not ſuffer any Traffick to be maintained

1665. tained with them. And they publiſhed the like Declaration, and challenged the ſame Sovereignty in *Africa*, and by Virtue thereof would not ſuffer our Ships to Trade upon that Coaſt, where we had a Trade long before the *Dutch* had any footing in thoſe Parts.

THESE Inſolencies made that Noiſe in the World, that the *Engliſh* Merchants felt the Effects of it in all Places, till it reached the Ears of the Parliament, which in *April* was Twelve Months, repreſented the ſame to his Majeſty, and beſought him that he would take ſome Speedy and Effectual Courſe for the Redreſs of thoſe Wrongs, Diſhonours, and Indignities, which were the greateſt Obſtructions of our Trade; and declared, that in the Proſecution thereof they would with their Lives and Fortunes aſſiſt his Majeſty againſt all Oppoſitions whatſoever.

MY Lords and Gentlemen,

YOU very well remember, that though his Majeſty was very well pleaſed with the great Zeal you ſhewed for the Advancement of Trade, he was far from reſolving to make a War upon the Warmth of that Declaration, but told you that he would examine and peruſe the particular Complaints which had been repreſented to his Parliament, and would thereupon demand Juſtice and Reparation from the *States-General*; which Demand he appointed his Miniſter reſiding there to make in a ſhort time after. What Effect that Candid Way of proceeding found is enough known to the World. Inſtead of other Application, they declare themſelves wonderfully offended with the Declaration of the Parliament, with many in-

insolent Expressions suitable to the Manners of a Commonwealth; they gave present Orders for equipping a very great Fleet, and the raising many Land-Soldiers, making greater Preparations for War than they had done in many Years before. They had made a Complaint to his Majesty, that a Captain of one of the Ships which his Majesty had lent to the Royal Company, had in his Voyage thither taken a Fort belonging to them near *Cape Verte*, for which they demanded Satisfaction. The King assured them that he had not the least Commission or Authority from him for so doing; that he expected him home very speedily, and then he should be sure to undergo that Punishment which the Nature of his Offence required, when the Matter should be examined, and they should be sure to receive full Reparation. This satisfied them not, but in great Fury they resolve to send forthwith a strong Fleet to *Guinea*, and granted a Commission (which they took Care to publish) to the Commander in chief, to make War upon the *English* in those Parts, and to do them all the Mischief they could. 1665.

THE King found himself now obliged, in what streight soever, to provide for the Protection of his Subjects in those Parts, and for the Support of that Trade, which I doubt is not enough taken to Heart, and the Value thereof not enough understood; and in order thereunto with great speed caused a Fleet to be made ready for that Expedition, under the Command of his Highness Prince *Rupert*, who was under Sail for the Voyage; when his Majesty found it necessary to stop the Prince his further Prosecution of it, upon good In-

1665. Intelligence that the *Dutch* had appointed their Admiral with a Fleet of Fifty Sail, to convoy the other Fleet designed for *Guinea* through the Channel, in contempt of his Majesty, who had a very small Fleet in Readiness; and that *De Ruyter* was likewise sent out of the *Streights* from prosecuting the *Turks*, to make War upon the *English* in *Guinea*, when at the same time they had earnestly pressed the King upon many Professions of Desire to prevent a War, that Prince *Rupert*'s Fleet might stay in Harbour, as theirs should do, till some Means might be found for an Accommodation of all Differences. And in truth this very difficult Stratagem of pretending one thing, and intending another; of promising with all Solemnity, and never resolving to perform; of swearing this Day not to do a thing, when they had served their Turn by having done it Yesterday, that no Body could know it, is the highest Pinacle of their Wisdom of State, by which they govern their Affairs, and delude their Neighbours.

THE Winds were not favourable to this Triumphant Design: And now the King found the Value of the Vote and Declaration of his Parliament, it was a Rich and a Massie Vote, which in a short time he Coined into Two Hundred Thousand Pounds Ready Money in the Chamber of the City of *London*, with which he gave Order forthwith to make ready more Ships; and the *Duke* going himself to the Fleet, by his Indefatigable Industry, with Incredible Expedition, added so many good Ships to those under the Command of Prince *Rupert*, that in *November* he put himself on Board the Fleet, resolving to stop the *Dutch*, if the Wind gave them leave to pursue their former

former Reſolution, which from the time the Duke was known to be at Sea they fairly declined, and were content rather to be ſafe in their own Harbours, than to look to the Security of their Merchants: It was high time now to ſeize upon as many of their Ships as came in our Way, to ſatisfie the Damages we had Reaſon to believe we ſhould ſuſtain from *De Ruyter*'s Expedition into *Guinea* with the Commiſſion mentioned before: But there was not the Lading of one Ship Sold or Diſpoſed of till his Majeſty received full Information of *De Ruyter*'s taking our Forts, and committing all the Acts of Hoſtility, which his Commiſſion directed him unto; his Majeſty likewiſe at the ſame time receiving new Advertiſement of their Refuſal to deliver up the Iſland of *Poleroon* to him, which they were bound to by their Treaty. And will you not wonder after all this at the Confidence of theſe Men? And more, that any Neighbour Prince ſhould have that Confidence in them, as to declare that the King our Maſter is the Aggreſſor, that he Firſt began the War. 1665.

FROM this time the War began to be more in Earneſt, and to be carried on at another Expence. Though His Royal Highneſs ventured himſelf in *November*, in a Fleet conſiſting of a little more than Fifty Ships, to ſtop the *Dutch* from paſſing through the *Channel*, yet in *April* (which was within few Days after your Prorogation, and the end of your laſt Seſſion,) he went again to Sea with a much ſtronger Fleet, and more proportionate to the great Preparations the Enemy had made; and even after he was gone to Sea, upon great Additions of Strength every Day made by the *Dutch*,

1665. *Dutch*, more good Ships were ſent to reinforce the Fleet: Inſomuch, as upon that Glorious Third of *June*, when they had the Courage to Viſit our Coaſts, after the Duke had in vain called upon them at their own Doors, and took many of their Merchants Ships in their Sight, the *Engliſh* Fleet conſiſted of very few leſs than One Hundred Sail. The Action, and the Bleſſing of that Day, hath been Celebrated by all true *Engliſh-men*; and therefore I ſhall ſay no more of it here, ſave only, that whether the Publick Joy then, even upon the Solemn Thankſgiving-Day, was Superiour to the Univerſal Conſternation that ſpread itſelf over the Nation before, I appeal to the Breaſts of all here preſent: We who had the Honour to be near the King at that time, obſerved him to be in that Agony that cannot be expreſſed; an Agony himſelf could not have long endured, even when by all the Intelligence he received hourly from the Coaſt he had Reaſon to aſſure himſelf of the Victory. In that great Action we Sunk, Burnt, and took Eighteen Good Ships of War, whereof half were the beſt they had, with the Loſs of One ſingle ſmall Ship of ours, but of many Noble and Gallant Perſons, of too much Value to be ventured (if there had not been a greater Venture) againſt ſuch Traſh; and whoſe Memories ought to be Preſerved and Extolled, and made Precious to Poſterity.

NO Diligence was omitted, but all Imaginable Expedition uſed in refreſhing, repairing, and ſetting out the Fleet again; in order to which the King himſelf made a Journey thither, and ſtaid till he ſaw all ready and fit to Sail: But then no Intreaty, no Importunity, could prevail with him to venture his Bro-

Brother again; though his Family, and all Preparations for the Voyage, were ſtill on Board. His Majeſty too well remembred, and ſtill felt the Impreſſions he had undergone the Third of *June*; and having got his Brother into his Arms again, he would not return without him, committing the Charge of the Fleet to the Earl of *Sandwich*, who had acted ſo good a Part in it. 1665.

WITHIN few Days after the beginning of *July* the Earl of *Sandwich* went again to the Coaſt of *Holland*, with a Fleet in no degree inferiour to the former, and Rode before the *Texel*, to Invite the *Dutch* to a new Engagement, they having uſed all the Arts at home to conceal the Loſs and Diſhonour they had undergone, and pretended to be very Ready and Sollicitous for another Battel, when there was no Appearance of their Purpoſe to come out: And upon ſuch Intelligence that the *Eaſt-India* Fleet was coming about the North, he received Orders to go for *Norway* upon ſuch Encouragement as was not made good; ſo that he was diſappointed of the Expectation he had very reaſonably carried with him thither, and at a Seaſon when that Climate gives little Encouragement to abide in thoſe Seas. I am not yet to enlarge upon that Matter till I hear a better Account from ſome of our Friends: However, though he could not meet with their whole Fleet, as he endeavoured to do, yet he hath had the good Fortune in Two Encounters to take Eight of their great Ships of War, Two of their beſt *Eaſt-India* Ships, and about Twenty of their Merchants Ships, all under the Protection of their Fleet, or ought to have been; and was then by Tempeſt, and other Rea-

1665. Reaſons, which no Wiſdom of his could prevent, obliged to put into our own Harbours.

I DO not mention the great Numbers of the Priſoners we have taken, an Army of Priſoners, who, in Truth, do us more harm at Land than ever they did at Sea, and are a Charge that never fell under our Eſtimate and Computation: I would not be underſtood that we had entred upon a War, and never thought of Priſoners, and Sick and Wounded Men; but that the Priſoners, and Wounded Men, ſhould bring us ſo Prodigious an Expence, and of which we can yet ſee no bottom; inſomuch, as in one Place, I think *Colcheſter*, that Charge comes to Twelve Hundred Pounds this Week; I ſay, ſuch an Expence never came into our Computation.

THE King tells you he hath enabled the Prince and Biſhop of *Munſter* to demand Juſtice from thoſe who have ſo Notoriouſly oppreſſed him with ſuch Outrageous Circumſtances of Inſolence and Scorn, as are enough known to the World; and he hath demanded it bravely, in ſuch an Equipage as hath not been made for little Money, in which he can take, as well as ask, Satisfaction.

AFTER all this, ſince there is Juſtice due to the worſt Enemies, we muſt do them this Right, that they do not at all ſeem weary of War, they do not diſcover the leaſt Inclination to Peace. It is true, the *French* King hath offered his Mediation: And truly, if he intends no more than a Mediation, it is an Office very worthy *The moſt Chriſtian King*: I wiſh with all my Heart, that (as a Mediator) he would make Equal Propoſitions, or that he would not ſo importunately preſs his Majeſty to conſent to thoſe he makes, upon an In-

Inſtance and Argument that he holds himſelf engaged by a former Treaty (which we never heard till ſince the beginning of this War, and had ſome Reaſon to have preſumed the contrary,) to aſſiſt the *Dutch* with Men and Money, if His Majeſty doth not conſent. 1665.

HIS Majeſty tells you, that he hath not an Appetite to make War for War ſake, but will be always ready to make ſuch a Peace as may be for his Honour, and the Intereſt of his Subjects; and no doubt it will be a great Trouble and Grief to him to find ſo great a Prince, towards whom he hath manifeſted ſo great an Affection, in Conjunction with his Enemies: Yet even the Apprehenſion of ſuch a War will not terrifie him to the Purchaſe of a Peace by ſuch Conceſſions as he would be aſhamed to make you acquainted with; of which nature you will believe the Propoſitions hitherto made to be, when you know that the Releaſe of *Poleroon* in the *Eaſt-Indies*, and the demoliſhing the Fort of *Cabo-Corſo* upon the Coaſt of *Guinea*, are Two, which would be upon the Matter to be content with a very vile Trade in the *Eaſt-Indies*, under their comptroul, and with none in *Guinea*. And yet theſe are not Propoſitions unreaſonable enough to pleaſe the *Dutch*, who reproach *France* for Interpoſing for Peace, inſtead of Aſſiſting them in the War; boldly Inſiſting upon the Advantage the Contagion in *London*, and ſome other Parts of the Kingdom, gives them, by which they confidently ſay the King will be no longer able to maintain a Fleet againſt them at Sea: And as if God Almighty had ſent his heavy Viſitation upon the Kingdom on their behalf, and to expoſe it to their Malice and Inſolence, they load

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1665. us with ſuch Reproaches as the Civility of no other Language will admit the Relation of; the Truth is, they have a Dialect of Rudeneſs ſo peculiar to their Language and their People, that it is high time for all Kings and Princes to oblige them to ſome Reformation, if they intend to hold Correſpondence or Commerce with them.

MY Lords and Gentlemen,

YOU ſee in what Poſture we ſtand with Reference to our Neighbours abroad, who are our declared Enemies; their Malice and Activity to make others declare themſelves ſo too; the great Preparations they make, and even Declarations that they will have another Battel, towards which they have in Readineſs an equal number of new, greater, and better Ships than thoſe they have loſt, furniſhed with larger and greater Artillery; ſo that if they were to be manned with any other Nation than their own they might be worthy our Apprehenſion. What Preparations are to be made on our Part you can beſt judge. I have fully obeyed the Command that was laid upon me, in making you this plain, clear, true Narrative of what hath paſſed; I have no Order to make any Reflection upon it, nor any Deduction from it: The King himſelf hath told you, that the Noble, Unparallell'd Supply you have already given him is upon the Matter ſpent, ſpent with all the Animadverſions of good Husbandry that the Nature of the Affair would bear. What is more to be done he leaves intirely to your own Generous Underſtanding; being no more aſſured of any thing that is to come in this World, than that the ſame Noble Indignation for the Honour of the King and the Na-

Nation, will inſpire you with Reſolutions to grant him ſuch ſpeedy and effectual Supplies as may enable him to carry on this War with Glory and Succeſs, and terminate it in a ſecure and laſting Peace.

THE Event of the War againſt the *Dutch*, and the Concluſion of a Peace with them, are well known, as well as ſome other Occurrences touch'd upon in this Speech, of which we ſhall give no Particulars; but here we are to obſerve, that the Chancellor's Enemies began about this time to gain Ground againſt him; and their Artifices prevail'd ſo far, that after the Breaking up of the Parliament at *Oxford* his Credit declined apace. However, it happening this Year that the Right Honourable the Lord *Morley* ſhou'd kill one Mr. *Haſtings*, and was to be Arraigned for it at *Weſtminſter* by his Peers, ſomebody muſt have been High Steward for the Trial; and ſince the Lord Chancellor for the time being, in Caſe he was a Peer himſelf, was uſually the Perſon deputed to execute that Great Office and High Truſt, the Earl of *Clarendon* was Nominated to that End, and carried every thing with the utmoſt Decorum, Circumſpection and Juſtice, the Lord *Morley* being found Guilty of Manſlaughter, but had the Benefit of his Clergy.

THE Noble Earl's Fall came on now with Winged Haſte; the King muſt part with his beſt Councellor, moſt ſincere Friend, and the Companion of his Fortune, for a new Set of Favourites, who had much leſs Skill in managing the Reins of Government, and accelerated the Diſtractions of the ſucceeding Times. As ſoon as ever the Great Seal was taken from the Lord Chancellor, which was on the 30th of *Auguſt* 1667, it's incredible with what

1667. Rage and Fury every Body fell upon him: Nay, when the Parliament met on the 10th of *October*, both Houſes returning Thanks to the King for his Speech at the opening of that Seſſions, they thanked him in a more eſpecial manner for having diſplaced the Earl, and removed him from the Exerciſe of any Publick Truſt and Employment in Affairs of State. But not reſting here, Mr. *Edward* (now Sir *Edward*) *Seymour* was the Firſt Man that on the 26th of *October* charged his Lordſhip *Viva Voce* with many great Crimes, upon which there aroſe a Debate in the Houſe, how they ſhould proceed upon it: Some moving he ſhould be Impeached in the Name of the Commons till Articles ſhou'd be formed againſt him; others urged that Witneſſes ſhould be firſt Examined to ſee how the Charge might be made good, leſt in Caſe of Failure it might reflect on the Honour of the Houſe. After long Debate a Committee was appointed to ſearch Records for Parliamentary Proceedings in the like Caſes, from which Sir *Thomas Littleton* making Report on the 30th that they found various Proceedings in ſeveral Parliaments, this occaſioned a long Debate, which was maintained by Sir *Thomas Littleton*, Serjeant *Maynard*, and Mr. *John Vaughan*, (afterwards Sir *John*, and Lord Chief Juſtice of the Common Pleas,) who having been formerly Intimate with the Chancellor, but upon the Reſtoration finding himſelf received by him with more Coolneſs and Indifferency than he expected, left no Opportunity untried to thwart him, and in theſe Debates none ſo forward, and ſo full of Animoſity againſt him: The other Spokeſmen were Sir *Heneage Finch*, Sir *Thomas Meers*, Sir *Richard Temple*, and the Earl's own Son, Mr.

Mr. *Lawrence Hide*; who with a great deal of Modeſty, as well as Piety, toward an Afflicted Father, ſaid he was ſenſible the Houſe might think him Partial, but that he ſhould endeavour to ſhew himſelf not ſo much the Son of the Earl of *Clarendon*, as a Member of that Houſe; and then aſſur'd them, that if he ſhou'd be found guilty, no Man ſhou'd be more againſt him than he, otherwiſe he hoped every one would be for him as much as himſelf: That every one in his own Conſcience was to conſider what of that Charge was true, ſince he did believe if one Article was proved againſt the Earl, he would own himſelf guilty of all the reſt. 1667.

THE Debate ending in a Vote, that the Committee ſhould reduce the Accuſation to Heads, and preſent them to the Houſe, Sir *Thomas Littleton* on the 6th of *November* reported and read the ſame, and they were theſe that follow.

I. *THAT the Earl of* Clarendon *hath deſigned a Standing Army to be raiſed, and to govern the Kingdom thereby, and adviſed the King to diſſolve this preſent Parliament, to lay aſide all Thoughts of Parliaments for the future, to govern by a Military Power, and to maintain the ſame by Free Quarter and Contribution.*

II. *THAT he hath, in the hearing of the King's Subjects, falſly and ſeditiouſly ſaid, That the King was in his Heart a Papiſt, or Popiſhly Affected, or Words to that Effect.*

III. *THAT he hath received great Sums of Money for the procuring of the* Canary *Patent, and other Illegal Patents, and granted Illegal Injunctions to ſtop Proceedings at Law againſt them, and other Illegal Patents formerly granted.*

1667. IV. THAT *he hath adviſed and procured divers of his Majeſties Subjects to be Impriſoned againſt Law, in remote Iſlands, Garriſons, and other Places, thereby to prevent them from the Benefit of the Law, and to produce Preſidents for the Impriſoning any other of his Majeſties Subjects in like manner.*

V. THAT *he procured his Majeſties Cuſtoms to be Farmed at under Rates, knowing the ſame, and great pretended Debts to be paid by his Majeſty, to the Payment of which his Majeſty was not in ſtrictneſs bound, and afterwards received great Sums of Money for procuring the ſame.*

VI. THAT *he received great Sums of Money from the Company of Vintners, or ſome of them, or their Agents, for Inhauncing the Prizes of Wines, and for freeing them from the Payment of Legal Penalties, which they had incurred.*

VII. THAT *he hath in a ſhort time gained to himſelf a greater Eſtate than can be imagined to be gained lawfully in ſo ſhort a time, and contrary to his Oath he hath procured ſeveral Grants under the Seal from his Majeſty to himſelf and Relations, of ſeveral of his Majeſties Lands, Hereditaments and Leaſes, to the diſprofit of his Majeſty.*

VIII. THAT *he hath introduced an Arbitrary Government in his Majeſties Forcign Plantations, and hath cauſed ſuch as complained thereof before his Majeſty and Council to be long Impriſon'd for ſo doing.*

IX. THAT *he did reject and fruſtrate a Propoſal and Undertaking, approved by his Majeſty for the Preſervation of* Mevis, *and* St. Chriſtophers, *and reducing the* French *Plantations to his Majeſties Obedience after the Commiſſions*

missions were drawn for that Purpose, which was the Occasion of our great Losses and Damage in those Parts. 1667.

X. THAT *he held Correspondence with* Cromwell *and his Complices, when he was in Parts beyond the Seas attending his Majesty, and thereby adhered to the King's Enemies.*

XI. THAT *he advised and effected the Sale of* Dunkirk *to the* French *King, being Part of his Majesties Dominions; together with the Ammunition, Artillery, and all Sorts of Stores there, and for no greater Value than the said Ammunitions, Artillery, and Stores were worth.*

XII. THAT *the said Earl did unduly cause his Majesties Letters Patents under the Great Seal of* England *to one Dr.* Crowther *to be alter'd, and the Enrollment thereof to be unduely rased.*

XIII. THAT *he hath in an Arbitrary Way examined and drawn into question divers of his Majesties Subjects concerning their Lands, Tenements, Goods, Chattels, and Properties, determined thereof at the Council Table, and stopped Proceedings at Law by Order of the Council-Table, and threatned some that pleaded the Statute of* 17 Car. I.

XIV. THAT *he hath caused* Quo Warranto's *to be issued out against most of the Corporations of* England *immediately after their Charters were confirmed by an Act of Parliament, to the Intent he might require great Sums of Money of them for renewing their Charters, which when they complied withal, he caused the said* Quo Warranto's *to be discharged, and Prosecution therein to cease.*

XV. THAT *he procured the Bills of Settlement of* Ireland, *and received great Sums of Money*

1617. *for the ſame in moſt Corrupt and Unlawful Manner.*

XVI. *THAT he hath deluded and betrayed his Majeſty and the Nation in all Foreign Treaties and Negotiations relating to the late War, and betrayed and diſcovered his Majeſties Secret Councils to his Enemies.*

XVII. *THAT he was a Principal Author of that Fatal Council of dividing the Fleet about* June *1666.*

THE Clerk having read them a Second time, it was moved, That in regard the Articles were many they might be referr'd to the Committee to ſee how far they were true, becauſe Fame was too ſlender a Ground to bring a Man upon the Stage. Sir *Fran. Goodrick* ſeconded the Motion, becauſe new Matter was now added to what was formerly charged *Viva Voce* in the Houſe, and after ſome Debate and Conteſt about it, the firſt Article was read to ſee what could be ſaid to induce the Houſe to Impeach; upon which Sir *Robert Howard* and the Lord *Vaughan* ſaid, they heard from Perſons of Quality, that it would be proved. As to the Second Article, the Lord St. *John* ſaid Perſons of great Quality had aſſur'd him to make it good; and if they perform'd it not he would acquaint the Houſe who they were: Mr. *Seymour* as to the Third Article alledged that ſufficient Perſons would make it good, with this Addition, when he received the Money he ſaid, *So long as the King is King, and I Lord Chancellor, the Patents will ſtand.* The Fourth and Fifth Articles, Sir *Richard Temple* ſaid, divers had undertaken to make good; if they did not, he would Name them; and for the receiving Money of Vintners Sir *Rob. Car* ſaid that he knew who would prove it.

ABOUT

ABOUT the Earl's getting a great Eſtate ſo ſuddenly, Mr. *Seymour* ſuppoſed they needed no Proof, the Sun ſhone at Noon-day. Sir *Thomas Littleton* urged, that the Matter of Fact in the Article was eaſily made out, for his Place as Chancellor could not be worth above 4 or 5000 l. *per Annum*. Then, *About introducing an Arbitrary Government in the Plantations*, Sir *Thomas Littleton* and Sir *Thomas Osburn* alledged, that one *Farmer* and others came from the *Barbadoes* to complain of it, and lodg'd their Petition in that Houſe, but were Impriſoned, that they might not be heard. And for *fruſtrating Propoſals for preſerving* Nevis, *&c.* Sir *Charles Wheeler* ſaid my Lord Chancellor only oppoſed it. 1667.

You have a Story before given you about the Chancellor's holding Correſpondence with *Cromwell*, but whether the Houſe now went upon that, or ſome other Information they had about it, I know not: However, this Matter admitted of ſome Debate, and Mr. *Swinford* ſaid, that it was Pardon'd by the Act of Indempnity; to which Mr. *Vaughan* replied, the Committee were aware of that, but the Defendant might plead it, and prove that he was not outlaw'd; and Sir *Char. Wheeler* added, he wanted not clearly to prove it; and Sir *Robert Howard* alledged, that for ſuch ſecret Things as theſe he ought to plead, notwithſtanding the Act of Oblivion, that the World might know who were undiſcerned Enemies. But Mr. *Hambden* oppoſed it, and urged it was not only an Act of Parliament, but Oblivion; and no Man ought to be ſo much as Accuſed for what was done before; to this Mr. *Vaughan* having made a Reply, the Act was read, by which it plainly appeared by Mr. *Swinford*'s Obſervation

1667. ſervation that the Clauſe for Pardon was Abſolute, and any Man accuſed pleading it ſhould not be Sued, nor his Fault mentioned, and this was to Offences and Offenders: And for thoſe who betrayed the King beyond Sea (who were excepted) they muſt be Proſecuted within Two Years. It's poſſible it might be objected, he ſaid, that he might plead that Act. But by the ſame Rule any Man who committed a Fault, during the Troubles, might be put to plead it for Pardon.

THIS brought thoſe Two great Lawyers, *Maynard* and *Vaughan*, over, the firſt profeſſing there ſhould be Candour in their Proceedings, did they therefore believe that Great Man was Outlaw'd: If not, how ſhould they accuſe him of what they believed not true? And the other ſaid, when he was ſatisfied of a thing he was not aſhamed to own it: That he found now, having peruſed the Act, that it was within the Clauſe. The Indempnity was general, and he was within it, if not excepted; that the Exception reached thoſe who held Intelligence with the King's Enemies, ſo as they ſhould be Proſecuted within Two Years, that he was not therefore was clear; ſo that upon the Debate the Article was expunged the Paper without a Vote.

THE Sale of *Dunkirk* coming next under Conſideration, Sir *Thomas Osborn*, now Duke of *Leeds*, ſaid a Great Lord told him that the Earl of *Clarendon* had made Bargain for *Dunkirk* Three Quarters of a Year before it was known. As to the Article of Sealing Dr. *Crowther*'s Patent, Mr. *Streeter* ſaid, the King gave the Living to *Crowther*; that in the Grant there was a Miſtake of a County; *Crowther* finding the Miſtake, petition'd the King to amend it; that

that the King called for the Chancellor and Seal, and in the King's Preſence it was amended and Sealed. To this Sir *Thomas Littleton* replied, that the Crime ſeem'd as great as a Chancellor could commit; the King was to preſent by ſuch a Day, ſo that the King (by Act of Parliament) had loſt his Right. That the Chancellor did alter the Patent, and the Record was fetched away by one of the Chancellor's Servants, and brought back raſed and alter'd, which might be done (and in other Caſes was done) where a Word only had been miſtaken; but that was in Caſe of ſomething perfectly in the King's Power, and to ſave new Sealing: But here could be no new Sealing, the time being elapſed: That it was to throw another Man out of his Freehold, and was a great Crime. 1667.

MR. *Thompſon* ſaid, *he ſhould be able to make good the Article of drawing Mens Lands into Queſtion*; and for *Quo Warranto*'s to Corporations, Sir *Thomas Littleton* ſaid, it was ſo publick a Thing that it needed not to be proved. Sir *Robert Howard* doubted not but the Buſineſs about the Settlement of *Ireland* would be made out; and for Foreign Treaties, it would, according to Sir *Thomas Littleton*, appear by the Treaties themſelves, putting them in hopes of Peace, and ſo hindering the Fleet's ſetting out. Mr. *Thompſon* ſaid, *he did not want Perſons to make good the Article about the Miſcarriages of the War.* But as to the Earl's ſaying, that the King was an unactive Perſon, and indiſpoſed for Government, and upon Debate it appearing probable that the Words were ſpoken before the Act of Oblivion, it paſſed over.

1667. *AS to the Customs*, Sir *Richard Temple* said he had been informed that the Earl had a share for Under-letting the Customs, and 40000 *l.* Bribe for getting pretended Debts from the King; and Sir *Thomas Osborn* was positive the Earl of *Clarendon* said, 'Bid who 'would for the Customs, none should have them 'but the Old Farmers.

HAVING gone over the Articles, and a Member moving that they should know where and when the Words were spoken, it was answered that would be a Way to Suppress the Evidence; and at last the Question being put whether the House had sufficient Inducement to Impeach, it was carried in the Affirmative.

ON the 9th of *November* the First Article being Read, a long and learned Debate arose whether to accuse him of Treason upon it, but was carried by a great Majority in the Negative: The Second Article was debated, but not voted: The Third and Fourth were soon carried against the Earl: The Fifth had the same Fate as the Second: The Sixth, Seventh, Eighth, and Ninth, were read and voted: But the Tenth, (which is indeed the Eleventh in the Preceding Articles, because that of corresponding with *Cromwell* was left out, and so you must regulate the succeeding Articles) admitted of a strenuous Debate, and at last was passed by, without determining whether it was Treason or not: The Eleventh, Twelfth, Thirteenth and Fourteenth, were carried without Opposition: As to the Fifteenth Article, after Debate it was carried Impeach of Treason.

HAVING thus gone through the Articles against the distressed Earl, (tho' in reality

reality but with very little Colour or Probability of Truth in any of them,) they resolved that an Impeachment of Treason, and other Crimes and Misdemeanours, should be carried up to the Lords against him by Mr. *Seymour*, who accordingly went up; where at the Bar of the Lords House, the Lord Keeper *Bridgman* being come thither to meet him, he delivered himself to this Purpose. 1667.

My Lords,

THE *Commons Assembled in Parliament having been informed of several Traiterous Practices, and other high Crimes and Misdemeanours committed by* Edward *Earl of* Clarendon, *a Member of this Honourable House, have commanded me to Impeach him, and I do accordingly Impeach him of High Treason, and other Crimes and Misdemeanours, in the Name of the said* Commons, *and of all the* Commons *of* England: *And they have farther Commanded me to desire your Lordships to Sequester him from Parliament, and to Commit him to safe Custody, and in convenient time they will exhibit Articles against him.*

THE Lords not satisfied with this general Way of Impeaching the Earl, on the 15th of *November* sent down to desire a Conference in the Painted Chamber.

AT which the Earl of *Oxford* delivered a Paper in Writing (without any Debate) to this Effect. 'That the Lords had not Committed the Earl of *Clarendon*, because the Accusation was only of Treason in general, 'without charging him with any thing in particular. Being return'd,

MR.

1667. MR. *Garraway* said, I had rather the House should lose the Punishment of this Man, (tho' a great Offender,) than that this House should lose its Priviledge; for if this House may at no time Impeach a Lord without giving in particular Articles, it may fall out to be at a time (as in the Duke of *B*——, Case) where a Great Man by his Interest with the King procures the Dissolution of the Parliament, and then the Accusation falls.

MR. *Vaughan* said, either you can justifie your Proceedings, so as to satisfie the Lords what you have done, or you cannot; you must name a Committee as well to consider what you are to do if your Reasons satisfie not, as to draw those Reasons.

MR. *Sollicitor*, without doubt this House was not mistaken in demanding that the Party accused for Treason should be Committed, that is, that Treason is worthy of Commitment; and you can but find Presidents that Persons have been accused of Treason, and thereupon have been Committed: But the Case is this, Treason is an Offence, for which Bail cannot be taken; the Lords tell you not, they will or will not Commit: But it is true, Persons have been Committed for Treason, and Persons accused of Treason Judges may Commit or not.

CONSIDER this Law. Let the Crime be what it will, an Imprisoning till the Charge is given is but an Imprisoning for Security, not to Punishment, otherwise the Law is not Just; and if the Judges of the *King's-Bench* have a Judgment of Discretion, whether to Commit, or not, can we wonder that the Lords have not Imprisoned till they know the Article, when they have Judgments of

of Diſcretion, tho' they knew it? You may find Preſidents, but it is not an Argument it muſt always be ſo: But as the Judges have a Latitude much more than the Lords, the Impeachment from the Commons of *England* is properly the King's Suit, for there is no Treaſon but againſt him; and if the Judges may Bail in that Caſe, may not the Lords? But you are not told he ſhall be Bailed, but they deſire to know what his Crime is, and then you ſhall know their Anſwer; the Reſolution ſeems reaſonable, having gone no farther; I cannot except againſt it. 1667.

MR. Sollicitor having done, and Sir *Thomas Littleton* ſaying the *Long Parliament* had ſome good Preſidents, which they were not to caſt away, leſt they ſmarted for it, it was reſolved to reſume the Debate on the 16th, when Mr. *Vaughan* began thus.

THE Lords do not ſay Commitments ſhould follow, becauſe Treaſon is Bailable by the *King's-Bench*; it's true, the *King's-Bench* Bails for Treaſon, but how? If Perſons be brought thither for Treaſon directly there is no Bail, but when a Commitment is by the Council-Table for Suſpicion of Treaſon, then if the Matter fall not to be what was expected, they give Notice to take Bail, elſe the Great Article of the Great Charter, namely, that Juſtice ſhould not be delay'd nor denied, would be to no Purpoſe; and in ſuch a Caſe a Man may be in Priſon for ever. On the other Side, what is the Caſe of Committing for Treaſon? When a Perſon is Committed by the Council-Table, they ſay they do no more but by ſpecial Command of the King, and that is the Ground of his Committing, and were not this ſo what would follow? Intelligence would

1667. would be given of a Treaſon diſcovered, wherein many might be concerned, and if they who Commit, ſhould Commit with the Treaſon, all the Complices would eſcape, and therefore ſometimes they make it Treaſon General. Then for the Caſe, before you have gone up with a Charge of Treaſon generally, which is to the Lords a Warrant ſufficient for Commitment, ſay they, we will know the Particulars; then will not the ſame Inconveniencies follow if other Perſons be concerned, and ſo the Danger of all expoſed upon the Nicety?

IF a Buſineſs comes before this Houſe which concerns others, and may prove Treaſon, if we go to the Lords (for we have not Juriſdiction, except in Caſe of our Priviledges,) but yet are not ready to bring up Particulars, and deſire the Lords to apprehend ſuch Perſons, would it be reaſonable for them to refuſe it, there being no Inconvenience like to follow the doing it, much the not doing it? I ſay, not to Commit them, and we not Proſecute, for that is Delay of Juſtice.

MVSEVM BRITANNICVM

Qu. But why do the Lords refuſe?

Anſ. Tho' I have great Reſpect to the Lords, yet to clear ſomething in Point of Priviledge, the Lords have the ſame Priviledge with us in Point of Speech, their Members, *&c.* as they are eſſential to paſs Laws; but that great Priviledge which they often aſſume as Peers, is as the King is there preſent in the higheſt Court: How then will it fall out in reſpect of this Priviledge? If the King be there, there be many Things which the Lords as Peers cannot pretend to; for the King hath often ſate there, not only in paſſing Bills, but in Judgment. Had this Charge then come before the King

King there, it had been Reaſon if the King ſhould have ſaid, *I deſire to know what this Treaſon is*; we muſt then have told it, becauſe he whom it concerned required it; or if we deſire Commitment, he who could Releaſe or Pardon him might ſay, *let him be Bailed.* The Lords indeed retain this Priviledge, but it is in the King's Right, not as Peers. 1667.

NOW we have carried a Charge, if the Lords Bail him I know not what would follow; for no Example can be given of it, and I think they will not do it if the King do not direct it.

ON the other Side, I would be glad we might be no more troubled than is neceſſary, becauſe others are liſtening what we do, and think there is nothing in the Caſe; therefore I am not for Delay, but ſatisfying others that what we have done is not barely for Impriſoning the Earl of *Clarendon*, but for Juſtice; and if you go this Way, give the Lords the Reaſons why we ſent the Charge as we did, and yet keep up their Priviledges, and declare ſo to them.

BUT then we muſt go up with more than that Head on which we reſolved to Impeach of Treaſon; for your Articles muſt be ſo formed as to make it a Charge fit to be Anſwer'd for Time and Place, and that Article hath ſomething of that which muſt be penned, ſo as to make it more certain; for the Article goes but thus, *That there was Diſcovery, and Betraying of the King's Councels to his Enemies*; and if you leave it there, thoſe who ſcruple doing any Thing, becauſe particular Treaſon is not mentioned, will ſay, *you ſay he hath Diſcovered and Betrayed Councels to Enemies; but as we truſt not what is Treaſon, but we will know it, ſo we know not whom you mean by*

1667. *by Enemies, for we may think them not so*; therefore appoint a Committee to form Articles.

MR. Sollicitor *Finch* was the next that ſpoke, ſaying, It is a great Miſtake to ſay, That the Power of the *King's-Bench* to take Bail for Treaſon is no other but what is aſſerted, as if the Judges there had only Power from *Magna Charta*. When a Man is Committed upon Suſpicion of Treaſon, and no Proſecution follows, and the Party bringing his *Habeas Corpus*, the Bench Bails him, becauſe he ſhould not lye there eternally: It is not to be ſaid the Judges Bail for Treaſons ſeeing no Crime is produced: For when a Man hath been accuſed of Treaſon for Coining falſe Money, and brought to the Bar, the Judges have Bailed him, not becauſe they ought, but from the diſcretionary Power wherewith the Law truſts them; they may Bail if they will, for no other Judicature but they can Bail in that Caſe: For ſeeing Impriſonment before Trial is only that the Priſoner may be forthcoming, if they ſee there is no Danger of eſcaping they may take Bail, for he is a Priſoner when Bailed, and the Bail is his Keeper: But there are few Caſes of this kind wherein they will Bail; they have a Fundamental Power to do it, placed in them to preſerve the Rights of the Crown; and the Lords will not think themſelves leſs truſted with the Rights of the Crown then the *King's-Bench*. Yet tho' the Lords may Bail, they will not exerciſe their Diſcretion when there is a probable Truth in the Impeachment; ſhall we then refuſe this Intimation from the Lords? Who ſaying, becauſe they have not a particular Article of Treaſon do not ſecure, ſeem to imply,

ply, that if they had they would, tho' they might refuse. The Right of Bailing comes not from an imaginary Apprehension of the King's sitting there, tho' some Kings have sate there in Judicature, but from their Inherent Authority of being trusted with the Right of the Crown: Let us do then what becomes us, and not let the Impeachment miscarry upon a Misunderstanding, but draw up the Article. But how is it possible to draw it as an Article which you expect he should be imprisoned upon? For your Impeachment is in the Nature of an Indictment, and must contain so much of Certainty as to put him to Plead, that so he may not Demur. 1667.

HOW may it then be Circumstantiated, so as that he may be put to plead? If you do it according to 25 *Edward* III. (for discovering the King's Secrets to his Enemies is within that Statute) the first Part of the Article is not Pleadable; for we must shew how he adhered to the King's Enemies, and we must add what the Counsel was that he betrayed, else he will deny to Plead, and say I can avoid it: Therefore consider what kind of Certainty this Article must have to make him Plead: For the other Articles, it's enough to say them, without proving Time or Place, if the Facts were after the Act of *Oblivion*; but in Treason the Matter must appear in the Indictment, for he hath liberty not only to Plead not Guilty, but to avoid it; therefore prepare the Article accordingly.

THE Sollicitor having ended, and Mr. *Vaughan* saying, that what was moved was to put them upon an impossible Business, for an Article presented from the Parliament needed not that Certainty, as if it were to be tried

1667. at the *King's-Bench*; Sir *Thomas Littleton* added, that it was not for the Honour of that Houſe to recede ſo eaſily from ſuch a Priviledge, for, beſides the Earl of *Strafford*'s Caſe, they had expreſs Preſidents for, but none againſt, us. They had heard that they muſt have no more Impeachments, becauſe they were dangerous, and tended to Rebellion. Let them conſider the Archbiſhop of *Canterbury*'s Caſe, *Finch*, *Ratcliff*, and others in the *Long Parliament*, and they ſhould not ſo eaſily part with them. *William Delapool* being commonly reported to be no true Man, (which was a leſs Charge than Treaſon,) deſired he might acquit himſelf, and the Lords required no ſpecial Matter before they Impriſon'd him, and afterward he was accuſed more Specially.

THEN Sir *Robert Atkins* inſtanced in the Caſe of *Anſelm*, Archbiſhop of *Canterbury*; that the Commons Accuſed him, but the Lords did not Commit him, and gave no other Reaſon for it, but that he was a great Man, and yet afterwards he was Condemned as a Traitor, tho' the King reduced his Puniſhment only to be Baniſhment. That tho' a Priviledge was much ſpoken of, yet he ſhould never be fond of any Priviledge which ſhould Intrench upon his Liberty as a Subject.

NOW Mr. *Vaughan* having ſaid that he heard it objected, That as they charged a Lord generally, ſo might the Lords a Commoner; but that could not be, for the Lords could cauſe a Commoner to be Committed, tho' for Treaſon, without their Conſent: Therefore moving to put a Queſtion, whether a Committee ſhall be Named to draw up Reaſons to juſtifie what they had done, it was carried in the Affirmative; and on the 18th of *November* they

they brought them into the Houſe, and they were theſe that follow. 1667.

FIRST, What can or ought to be done by either Houſe of Parliament is beſt known by the Cuſtoms and Proceedings of Parliament in former Times; and it doth appear by Example, that by the Courſe of Parliaments the Lords have Committed ſuch Perſons as have been generally Charged by the *Houſe of Commons* for High Treaſon to ſafe Cuſtody, tho' the particular Treaſon hath not been ſpecified at the time of ſuch Charge.

SECONDLY, That a Commitment for High Treaſon in general is a Legal Commitment, and if the Party ſo Committed bring his *Habeas Corpus*, and the Cauſe of his Commitment thereupon be returned for High Treaſon, generally he may lawfully be remanded to Priſon by the Judges upon that Return.

THIRDLY, If before ſecuring the Perſon the Special Matter of the Treaſon ſhould be alledged, it would be a ready Courſe that all Complices in the Treaſon might make their Eſcape, or quicken the Execution of the Treaſon intended, to ſecure themſelves the better thereby.

FOURTHLY, If the *Houſe* of *Peers* ſhould require the particular Treaſon to be aſſigned before the Party Charged be ſecured, they leave the Commons uncertain and doubtful, (and that from time to time,) how particular they muſt make their Charge to their Lordſhips Satisfaction, before the Offenders be put under any Reſtraint.

FIFTHLY, The Commons conceive, that if they ſhould deſire the Lords to ſecure a Stranger or Native Commoner, upon ſuſpicion of Treaſon, which the Commons had of him, and which

1667. was by them under Examination to be Evidenced to their Lordſhips in due time; their Lordſhips in Juſtice for the Safety of the King and People would ſecure ſuch Perſon or Perſons, upon the deſire of the Commons, and in ſuch Caſe there ſhould be no Difference between a Lord and a Commoner ſo deſired to be ſecured.

SIXTHLY, The Proceedings of Inferior Courts, between the King and the Subject, or Subject and Subject, and the Diſcretion of Judges in ſuch Courts, is bounded and limited by the Diſcretion of the Parliament which truſt them; and 'tis not left to the Diſcretion of the Judges in ordinary Juriſdiction to give the King, or take from him, inconvenient Power for the Subject, nor to diſpence the Law partially between Subject and Subject for Malice or Affection; but the Diſcretion of the Parliament, which is the whole Publick, comprehending the King, Lords and Commons, (for the King's Preſence is ſuppoſed to be in the Lord's Houſe,) is, and ought to be unconfined for the Safety and Preſervation of the whole, which is Itſelf.

IT cannot be malicious to a Part of itſelf, nor affect more Power than already it hath, which is abſolute over Itſelf and Part, and may therefore do for Preſervation of itſelf whatſoever is not repugnant to Natural Juſtice.

MR. *Prynn* not liking the firſt Reaſon, becauſe it could not be called a Cuſtom where only One Parliament had done it; Mr. *Swinford* ſaid, That the great Strength lay upon this Firſt Reaſon, and was like to be a Preſident; for exact Preſidents he found none, except that of *Michael Delapool*, and in the

the long Parliament: But they ſhould conſider the Reaſon why there was no expreſs Preſident before, and what was the Cuſtom of Parliaments before. That the Parliament was not wont to proceed formerly by Bill, and thus that proceeding made againſt the Lords now, and for committing the Party accuſed; for then the Proceedings upon Treaſon were by Common Law, and becauſe the Judges could not proceed, therefore the Parliament went by Bill, and it could not be ſuppoſed that the Parties were at liberty all that while. 1667.

THE *Second*, *Third*, *Fourth*, and *Fifth* Reaſons being Voted, and the *Sixth* Read, Mr. *Sollicitor* ſaid he was againſt it, not as a Reaſon, but unneceſſary; for if the former Reaſons ſatisfied not, this would not, becauſe it ſuppoſed things not in Queſtion; that their Debate muſt at laſt end in this Queſtion, betwixt Priviledges of Parliament and former Proceedings; and there being no Priviledge in Caſe of Treaſon, why ſhould not former Proceedings ſway? Except they call that Treaſon which was not, for otherwiſe no Priviledge would help.

THEREFORE he would add this to their Reaſon, that there was no Priviledge for Treaſon, and the Lords ought not to think that the Commons would call that Treaſon which was not; or if they did, the Lords might by a ſpeedy Trial determine it.

THE Commons now deſired a Conference with the Lords, and the Reaſons were carried up; and the Lords on their Part, on the 21ſt, ſent down to the Commons to deſire a Conference. But the Commons doubting that if they ſhould conſent to it, the Lords might afterwards refuſe a Free Conference, becauſe the Buſineſs in Diſpute concern'd Judicature, which

1667. belong'd to the Lords, and ſo the Impeachment generally fell; they reſolved to ſend an Anſwer by Meſſengers of their own, and accordingly did, with Order to acquaint the Lords how far they had proceeded, and they expected they ſhould rather have deſired a Free Conference.

ON the 23d the Debate about the Freedom of Speech in Parliament was reſumed.

AND the Report read of Proceedings about Sir *John Elliot*, Mr. *Holles*, &c. 5 *Car.* I. upon which Mr. *Sollicitor* ſaid, If you are ſatisfied that the Judgment paſſed upon them was Illegal, Two Ways you have to be ſafe; by taking notice of that Judgment, giving your Opinion upon it, and carrying it up to the Lords, that Judgment will be utterly Damned; elſe you may proceed by Act; but conſider then the Conſequence: For if you go by Act, you bound the Liberty of Speech, unleſs in penning it you prevent it; but an unknown Limitation is better than bounding, for an Act itſelf is ſubject to Expoſition, but your Vote, and the Lords Concurrence, is not.

THEN Mr. *Vaughan* took the Word, ſaying, It is not ſafe for you to Circumſcribe Priviledges, therefore that muſt be done which may take away what deſtroys them. The Laws and Rights of this Kingdom are Rights by Common Law, or Act of Parliament; what is an Act of Parliament may be Repealed by Parliament, what is Common Law may be altered by Parliament, and whatever is both may be altered by a *New Law*; and how is it poſſible to do one or the other without Liberty to ſpeak about it? And how can there be any Inconvenience about Freedom of Speech, about any

any Thing which cannot be a Law without passing King, Lords, and Commons. 1667.

THEN it being moved to put the Question for confirming that Report, and being replied that some Passages in that Business, *viz.* about the keeping the *Speaker* in the Chair, were not warrantable, and so not to be joined in the Question with the rest. Mr. *Vaughan* stated the Business to them thus; The House is to adjourn itself, tho' sometimes the King advised them to adjourn themselves, (as then he did,) but the Adjournment is always made by a Question, and without it the *Speaker* cannot leave the Chair. The *Speaker* acquainting the House then with the King's Message, Sir *John Elliot* stood up to speak, but the *Speaker* would not hear him, but was going to leave the Chair; whereupon some said, If you go out without a Question the Parliament is dissolved, upon which he was leaving the Chair: Some kept him, and told him, If this be a House, you as *Speaker* have no Place in it but the Chair, and this was all the Irregularity in that Business so much talk'd of.

MR. *Vaughan* having done, the House resolved, that the Judgment given against Sir *John Elliot* &c. 5 *Car.* was an Illegal Judgment, and against the Freedom and Priviledge of Parliaments. The Lords sent for a present Conference, after which Report was made that the Lords had Voted, the *Commons* denying them a Conference lately was contrary to the Course of Parliamentary Proceedings, and gave Reasons why it was not yet time for a Free Conference; upon which the Commons on the 25th having resolved to grant them that the Commons agreed to the Conference formerly desired, the Lords declared at it, that they had

1667. conſidered of the Preſidents and Reaſons formerly ſent them by the Commons, but were not ſatisfied to ſecure the Earl of *Clarendon*, or to Sequeſter him from Parliament, until ſome Special Treaſon were Aſſigned.

A Free Conference enſued on the 28th, which was reported next Day by Mr. *Vaughan*, where the Lords told them, That no Preſident could be againſt the Law; to which the Managers anſwered, That if that could be made good, they ſhould preſs Preſidents no more, but what they moſt ſtood upon was the *Petition of Right*, where 'twas provided that none ſhould be Committed without Special Cauſe, whereby the Party might Anſwer according to the Law; thence they inferr'd that the *Commons* Proceedings were againſt Law; becauſe a general Charge was againſt the Petition of Right; that the Caſe of the Petition of Right, rightly ſtated, would clear it, which was this: Some Perſons were Committed by no other Warrant but the King's Special Command, they bring their *Habeas Corpus* to the *King's-Bench* to know the Cauſe: This Cauſe was returned by the Judges, that they could not Bail a Man, when ſo Committed, becauſe they knew not the Cauſe, nor had any Way to bring him to his Trial.

THEN the *Petition of Right* provided that the Cauſe ſhould be returned, whereby the Crime might appear; and that before and after the *Petition of Right* to that Day, if upon bringing a *Habeas Corpus*, it were returned that the Party was Impriſon'd for Treaſon, the Judges ought to remand, unleſs there were ſome Special Cauſe to make them take Bail. So that the *Petition of Right* was againſt them; for they ſaid a Man ought not to be Impriſon'd upon a general Charge, becauſe 'twas againſt the

the *Petition of Right:* The *Commons* ſaid it was not againſt the *Petition of Right*, becauſe the Judge might remand the Party, if there were no Special Cauſe. 1667.

THEN the Lords ſaid, That the Reaſon why the Judges remanded in that Caſe was, becauſe the Party Committed knew it was for Treaſon, therefore they Re-committed. The *Commons* owned it, becauſe it was the Rule for the Judges to proceed by, but that was no Rule for Proceedings of Parliament: For as a Magiſtrate Commits for Treaſon, and is ſuppoſed to be acquainted with it; ſo alſo is he with the Probability upon the Proof: But the Lords inſiſted not now upon that, but to ſpecifie Treaſon; and if the Courſe of Parliaments ſo much varied in ſuch Caſes, that was no concluding Proof why they ſhould have a Special Treaſon. And for the other, that upon the Return there ſhould be a Cauſe returned, that ſo the Party might Anſwer; for when a Return was made, if the Cauſe be ſuch as that the Party ought not to be Impriſoned, the Judges freed him, otherwiſe they left him to come to his Trial.

THEN to the Preſident about the Earl of *Strafford* they replied, That it was made in Bad Times. And the *Commons* anſwered, That as good Laws were made before, in, and after that time, as any other; and if the Lords then might make ſuch Laws, they could not ſee why it ſhould be a good time to make Laws, and no good time to adminiſter to Perſons the Laws already made. Farther, to their *Objection*, that in the time whence thoſe Preſidents were brought there was a Face of War. They anſwered, That could not alter the Caſe, for the Law call'd no time a time of War, whilſt the Courts of Juſtice had free-

1667. freedom as they had when *Strafford*, *Finch*, *Canterbury* and *Ratcliff* were Impeach'd; and it was ſtrange that in the Parliament Houſe there ſhould be ſuch a Conſternation as to make their Proceedings invalid, when in other Courts there were none: Beſides, in *Holland* of many Years there was a conſtant Scene for War, and could we imagine that there was not Juſtice done at that time.

THEN they preſſed Preſidents againſt the *Commons*, One 14 *Ed.* II. againſt the *Spencers*, where a Great Man moved the King to commit one of them, and the King anſwered, *It could not be unleſs Cauſe was ſhewed.* They Replied, This was a Preſident like that, a Man was Committed becauſe he was Committed, for there was no Allegation of Treaſon. The Second Preſident was 38 *Hen.* VIII. againſt the Lord *Stanhope*, the *Commons* mov'd the King to Impriſon him, and the King Anſwered, *He would conſider of it.* They Anſwer'd, That was no denial, but a thing uſual with the King; and that Motion was to the King himſelf, which differ'd from this Caſe, for that was not alledged to be Treaſon: Beſides, had it been Treaſon, it was againſt the King himſelf, and being an Offence againſt himſelf, he might (if he would) not Impriſon, becauſe he might Diſcharge a Man, or Pardon him, tho' for Treaſon; but this Caſe was not ſo, becauſe the Lords Juſtice was but Miniſtred to the King.

THE Lords farther urged the 21 *R.* II. *Arundel*, Archbiſhop of *Canterbury*, as they ſaid, was Impeach'd of Treaſon, but not Committed. The *Commoners* Anſwer'd, That the Caſe was this, there was a Commiſſion Iſſu'd out by *Ric.* II. that that Biſhop and others ſhould

should regulate what was amiss by Evil Government, and the King was offended at the granting of it, and at *Nottingham* sent for the Judges, and charged them upon their Allegiance to give a true Answer to what Questions he should ask them; and the First Question was, *Whether that Commission so granted was not invading his Prerogative?* They Answered, *Yes*, Then he asked, *How they ought to be punished who procured it?* They Answered, *As Traitors.* That in the 21st the Bishop was charged by the *Commons*, and the Treason alledged was, That he had procured himself to be put into the Commission. That this being the Case, they said, That if a Fact were called Treason, which afterwards appeared to be none, there could be no Commitment; for if a Man call'd another Man's coming into his Ground Treason, it fell of itself; therefore the Bishop was not Committed. 1667.

THE Lords said farther, That all those Articles were declared to be Treason, which before could not possibly be Treason to commit a Man, because the Nature of them must be Treason at Common Law; and till these Treasons were declared, which was not till 21 *Ed.* III. they were not Treason so as to Imprison or try any Man for them. The Commons replied, That all that Parliament was Repealed, yet the President was the more Authentick. Then about the Earl of *Strafford*'s President, the Lords said, that the very Impeachment was taken away by the Act of this Parliament, because the Impeachment was recited in it; namely, Whereas the Earl of *Strafford* was Impeached *&c.* but every Clause in that Act of Attainder was taken away now, therefore the Impeachment; and they could not make use of any

1667. any part of it. They reply'd, It was true, the Act of Attainder was taken away, but the very Act of Repeal did not recite that very Clauſe, (whereas *Thomas* Earl of *Strafford* was Impeached, *&c.*) and the Act could not take away any thing which ſtrengthned its own Suppoſition.

THEN the Lords ſaid, That they ſhould be willing to comply with the Commons, but that they muſt be tender of their own Judicial Proceedings. The Commons own'd it was true, they ought, and they ſuppoſed that the Lords might be jealous that the Commons ſhould intrench on their Power; but the Commons were ſo far from that, that they thought the Judicial Power better lodg'd with them than in the Commons themſelves it could be; but they would open the Objection. Their Lordſhips being the Judges in that Caſe, might think that for the Commons to take upon them to know what was Treaſon, would be an aſſuming to themſelves what was only proper to the Lords, and that it was ſo now in Charging the Earl of *Clarendon* generally. The Lords owning the Objection was right, the Commons anſwered. For our knowing Treaſon, we have many among us who are Juſtices of Peace, truſted by Law to Know and Commit, (and if the Parliament be not Sitting,) even to Commit a Peer himſelf for Treaſon; and the knowing what is Treaſon is ſo far from being improper to the Houſe of Commons, that every Man in the Nation is bound to know it; for was it ever known that Ignorance of the Law could ever excuſe a Man for breaking the Law? Laws were made to be known by Subjects, eſpecially thoſe which concerned the King; and unleſs they could find a Reaſon why the Parliament

liament Embodied ſhould be more Ignorant than Particular Perſons, the preſent Caſe muſt be clear. That the Jealouſie of the Lords aroſe from a Fallacy thus: The Lords had Judicial Power concerning Treaſon, and muſt of Neceſſity know it; the Commons had no Judicial Power over it, therefore could not know it; that is, becauſe the Commons know what Law is, therefore they have Judicial Power over Law. To this there was no Reply made, ſo that the Commons went on, and ſaid, That becauſe they inſiſted upon Specifying Treaſon, becauſe by Committing upon a General Charge they might wrong the Party by Committing him without Cauſe; and becauſe they themſelves were not informed in their Conſciences what they did, they would do well to conſider the many Inconveniencies which might follow, if the Charge of Treaſon was not General, but Particular: And ſuppoſe it was Special, their Lordſhips would know no more by it. For ſuppoſe a Man Impeached for Counterfeiting the Great Seal, which was expreſs Treaſon, and he might be Impeached for it, yet neither their Lordſhips nor the Party could have any Advantage by that Specification, becauſe there might be as many Queſtions what was Counterfeiting the Great Seal, or what was Treaſon. For Inſtance, one *Leak*, a Clerk in Chancery, intending to Forge a Patent, put together Two Pieces of Parchment, and had fitted them, and put them ſo together with Mouth-Glew, that they appeared as One: Then a Grant was written upon the outmoſt, and a Seal affixed, ſo that the Great Seal was put to a true Thing; then he cut off the Edges of the Parchment, ſo as to ſever them, took off the Written One, and left the Seal on the Blank, then Forged the Grant

1667.

Grant, and made uſe of it. This was queſtion'd before the Judges, whether 'twas Treaſon or not; that is, whether Counterfeiting the Great Seal, or not? If it were, it was Treaſon, otherwiſe not. They reſolved it was not Counterfeiting the Great Seal, and ſo not, but Miſpriſion. And if it had been Treaſon, they reſolved, that an Indictment had been enough to Impeach him. Then ſuppoſe you had ſuch an Impeachment before you for Counterfeiting the Great Seal, you have Special Treaſon, and might Impriſon him; but when it was brought to Queſtion, it appeared not to be Treaſon, therefore he was wrong Impriſon'd: And if their Lordſhips would examine what Knowledge they had of this Fact, they had no more than if it had been a general Treaſon.

THE Lords ſaid, There was a Caſe put ſuch as they were content to take for Special Treaſon, but expected not the Proof as there it was. The Commons made Anſwer, If it were put, ſo was their Lordſhips Reply, for it was put *ex Conceſſo*, becauſe they agreed that if the Treaſon was Special, the Party was to be Committed, and this Caſe was to ſhow their Lordſhips they were in no better Caſe than if the Treaſon were general.

BUT the Lords ſtill preſſing that the Impeachment itſelf of the Earl of *Strafford*, was Repealed in the Act about him, the Commons replied, That one part of the Act ought to be ſevered from the other, and that which was without Exception ſhould ſtand, tho' the other were taken away: For ſuppoſe a Man Proſecuted in a Court of Juſtice for what he apprehended to be his Right, and yet the Cauſe went againſt him, and he had no Effect of his Suit, afterward the Party (being an Evil-mind-

ed

ed Man, and thinking to reach his Ends,) ſhould Forge a Deed, or Suborn Witneſſes, and then begin a Suit in ſome other Court, and by thoſe Ways attain his Ends; then a Bill comes before this Parliament to reverſe the Judgment, reciting, That ſuch a Perſon had been a Suborner of Witneſſes, *&c.* ſo and ſo, and therefore the Judgment is made void; certainly tho' this Perſon was Named to be an Evil-minded Perſon, yet this lay no Blemiſh on his Firſt Proceedings. So that it appear'd by the Act, that the Proceedings againſt the Earl of *Strafford* were legal at firſt, if thoſe afterwards, when the Times became tumultuous, were not, it is not to be applied to what was well done and legal: Then they told them, That they preſſed them with Four Preſidents, and to Three of them nothing was replied. 1667.

THE Lords anſwered, That the Reaſon why my Lord *Finch* was not Committed, was becauſe of his Flight; the Commons ſaid, He was fled before the Impeachment; but it was ordered, That he ſhould be Committed when found; then they told them, that they muſt report to them, That be the Treaſon what it would, they could not go to the Lords to have it puniſhed without that Diſadvantage, which the Publiſhing the Treaſon beforehand would expoſe them to, by making of Witneſſes, eſcaping of Parties, and the like; then deſired them to conſider, Whether if they ſhould lay before them a Treaſon in every thing circumſtantiated, as the *Gun-Powder-Treaſon*, they would not Impriſon the Party till the whole Matter was opened.

THE Lords ſeem'd to wonder to hear that Caſe put, for in Matter of State other Courſes were to be taken; and they could ſee no Inconveniency

1667. veniency in Publiſhing that to the Lords, which muſt be Publiſhed before 400 in the Houſe of Commons; whereas the Commons on their Part ſaid, They could proceed with what Secrecy or Openneſs they pleaſed, and the Lords were not to take Notice of their Proceedings, whether Open or Secret. Farther, That by a Matter of State muſt be underſtood when a Parliament was not Sitting, and we knew not whither to reſort; but when a Parliament was particularly called to prevent the Miſchiefs threatning the Kingdom, if that were not capable of Remedying them, no other Council could; or if they were not bound to reſort to that, they were excluded from that to which they ought to reſort.

HERE the Lords deſiring the Commons to take heed of the Liberty of the Subject, to which they were now fain to have Regard, and bidding them conſider the Biſhop of *Canterbury*'s long Impriſonment, without knowing the Cauſe; and they muſt ſatisfie their Conſciences, leſt they ſhould Commit for Treaſon, and it did not prove ſo; the Commons replied, that it did not appear the Archbiſhop of *Canterbury* ſhould have lain leſs time, had the Impeachment been Special: And for the Liberty of the Subject, they knew not how a Subject ſhould have more Liberty by Special Matter than General; Special being but adding a formal Title, and the Subject went to Priſon as well for the one as the other. As for their Conſciences, ſuppoſe a Perſon accuſed generally, they were then to know whether it were Treaſon; and was it not as much that they Committed an Innocent Perſon ſo, as if the Matter was Special?

ON

ON the Second of *December* the Lords sent down a Message to the Commons by Two Judges, to this Effect, That upon the Report made to them of the last free Conference, they were not satisfy'd to Commit or Sequester from Parliament the Earl of *Clarendon* without the particular Treason were mention'd or assigned. 1667.

THE Commons much chafed with the Message, and the Lord's Steadiness in not Committing the Earl; Sir *Robert Howard* spoke to this Effect. The Matter before us, is of as great Concernment as ever came before us; if there should be Malice supposed in a Nation against itself, it might be exercised by giving a Particular Charge, as well as a General, many of the Lords are convinced by the Reasons we gave and concur, thinking our Presidents good, and have entred their Protestation in the Lords House, asserting the Rights of the Commons of *England* to Impeach generally; so that (excepting the Spiritual Lords) I think I may say the Major Part of the Lords are for us; and should we put up this, we may be wrested out of all Right, and the Commons have no Way to proceed to an Impeachment, but some Men to be so great, as not to be fairly reach'd. Therefore adhere.

NEXT stood up Mr. *Waller*, and said, The Lords are a Noble Estate, but whatever the Matter is, they have of late some Advice given them, which makes them proceed as they never did yet; for scarce any thing happens betwixt us, but they encroach upon us. The *Militia* is now as burthensome to the Fifty Pound Man in the Country, almost as all other Taxes, and the Lords have gotten this Advantage on us, that they touch not the Burthen of it

1667. with their Finger: So in the time of the Plague the Commons must be shut up, but not they, insomuch that a good Act provided to that purpose passed not. We Impeached the Lord *Mordant*, and could not bring him to the Bar, (tho' formerly I have known an *Earl* and a *Lord* brought thither) you desired a free Conference about it, but could not obtain one to this Day. *Rome* was at first Modest, and only meddled with Spirituals, but afterwards concerned themselves so much with other Matters, that every Thing almost was made to be in *Ordine ad Spiritualia*, and many Kingdoms thereupon broke from them. The Lords now insist upon One Thing, because they say 'tis in order to their Judicature, perhaps hereafter they will tell us we must come to them on our Knees, because it is in order to their Judgment. Consider therefore whether there be any hope of giving them Satisfaction; then, whether you will adhere, or what you will do afterwards, for the present my Motion is to adhere.

MR. *Vaughan*, who seemed indeed all along to be the leading Man in this Matter, took it up, and said, 'Tis truly enough affirmed that the Business before you seems to be as great as hath been in Parliament, many of the Consequences being invisible; therefore before you resolve what to do, take the whole Matter before you. The Difference between the Lords and us is upon a general Impeachment of Treason; the Lords after a free Conference say, they will not Commit unless Special Treason be mentioned or assigned; those whom you employed to manage the Conference were very unwilling to differ with them, but it seems it hath produced nothing, and I have nothing to make me believe but that the Reason is, that the Lords were resolved

ſolved (ſay what we would) not to be ſatisfied: For I know nothing which they offer'd, but it was fully anſwer'd, nor any thing left undone to ſatisfie them, if they would have been ſatisfied; what I have to ſay now is to clear ſomething which the Lords may make much Noiſe about. When we urged Preſidents, and made them our Principal Reaſon, we told them the Way to decide what was in Difference betwixt the Houſes was, the Uſage of Parliaments; but to our Preſidents we received no full Anſwer. 1667.

THEN the Lords uſed this Reaſon, namely, that they cared not for Preſidents, becauſe it was againſt the Expreſs Law of the Land. I anſwer'd them we would join with them, if they could ſhew Law againſt it, and expected what they would anſwer, but heard nothing: Much Diſcourſe there was, without Application, of the Great *Charter*, and of the Statute of 28 *Edw.* III. but not applied: So that I thought Law in a Lord's Mouth was like a Sword in a Lady's Hand, the Sword might be there, but when it comes to cut, it would be awkward and uſeleſs.

BUT I hear ſince that their meaning was this, (which muſt be cleared by mentioning ſome Laws) that by *Magna Charta* it was provided, *That no Man ſhall be taken or Impriſoned, or Condemned but by the Law*; and thence they infer, That no Man may be Impriſoned, but it muſt be by the Peers, or by the Law of the Land. Again, by the 5th *Edw.* III. No Woman ſhall be attached upon Accuſation, or be adjudged of Life or Limb, but according to the Law. By the 25th of *Edw.* III. no Man ſhall be taken by a Petition to the King or his Council, unleſs by Indictment of Lawful Peo-

1667. ple, or by Proceſs of Writ at Common Law, and (ſays they) this Caſe is to none of theſe. By the 4th of *Edw.* III. no Man ſhall be Impriſoned without due Proceſs according to the Old Law of the Land: But this Caſe being neither by Preſentment nor Indictment, the Lords would not ſtand upon our Preſidents, but relied on this, as if it were enough in Bar of all our Preſidents.

THEREFORE to open this, and the Danger of the Conſequence, there are in the Land many different Laws, and Proceedings in theſe Laws, and Impriſonment upon them; and yet not one of them by Preſentment, Indictment, or Trial by Peers, tho' the Lords thought this was the Law, and there was no other.

1. IT is known that the Crown-Law or Prerogative, is a diſtinct Law from that between Party and Party.

2. THERE is the Law and Cuſtom of Parliament, called a Law, *ab omnibus quærenda, a multis ignorata, & a paucis Cognita.*

3. THEN the Canon-Law, (and it is much the Biſhops forgot that) and there is nothing in that Law more than ſtanding in a White Sheet, which proceeds not by Indictment or Preſentment, yet there is Impriſonment even in that Law.

4. THERE is the Law of Admiralty, and the Articles of *Cleron*, where there is Proceedings of another Nature, and by Impriſonment.

5. THE Law of Merchants, or of the Staple.

6. THE Law of Arms, where is Impriſonment and Death, and yet different Peoceedings from the Common Law in the Great Charter: Now no Man thinks that all thoſe Courſes of Proceedings are taken away by the Common-Law, and it is groſs Ignorance to think it.

7. THE

1667.

7. THE Law of the Foreſt, which is moſt different: So that to urge *Magna Charta* to this Purpoſe, as if all Proceedings in thoſe Caſes muſt be according to the Common-Law, is abſurd.

THEN there are divers Writs in the Regiſter.

ONE, When a Man hath received the King's Money to ſerve him, and went not, then there is a Writ to arreſt him upon a Certificate from the Captain under whom he was to ſerve.

THEN the Ordinary Writ, which belongs to the Law Eccleſiaſtic, *de Excommunicato Capiendo.*

ANOTHER, *de Apoſtata Capiendo*, to recover a Regular Runaway from his Convent.

ANOTHER, called *ne exeat Regno*, to Impriſon a Man, who will not give Security not to go out of the Kingdom, and this is not traverſable anywhere, becauſe it ſuggeſts that he will Machinate ſomewhat hurtful to the Kingdom, and upon that Suggeſtion he is Impriſoned.

ANOTHER, When a Man hath a *Leproſie.*

ANOTHER, to Burn *Hereticks*, which concern'd the Biſhops alſo, if they had pleas'd to think of it.

THESE Proceedings are no Way agreeable to thoſe mentioned in the Common-Law.

THEN conſider how this *Reſolution* of the Lords ſtrikes at the Law of Parliaments.

1. IT is certain that all Impriſonment by Parliament is not by Preſentment, Indictment, *&c.* So that by this Means that Power is taken away.

2. CONTEMPT againſt Parliamentary Authority, whoſoever he is to appear before them, and diſobeys them, they may Impriſon him in the *Tower*, and yet it is not againſt *Magna Charta.*

WHITHER therefore tends this?

1667. THE Concluſion muſt be, that no Impeachment by the *Commons* muſt go on, unleſs it be by Preſentment, and ſo there is an End of all that for which the Parliament is principally called, unleſs we are part of thoſe 500 Contemptible Ones, who are only fit to give Money; *That* may be reſerved for us, but nothing elſe; tho' 23. *Ed.* III. ſaith, *For the Redreſs of Grievances in the Kingdom a Parliament ſhall be called every Year.* I would know which Way we ſhould redreſs Abuſes, if we are ſo far from remedying in Parliament, that we muſt be ſhut out to the Common Courſes in other Courts?

Obj. THE Lords may ſay, if you find the Statutes broken, and ſhort, you ſhall have New.

Anſw. AND when theſe New Ones are broken, then they ſhall have a Remedy; ſo riſe up Remedy, and go to the Remedy, *ad infinitum*, for there is no Reaſon to think that a Second Law ſhall be maintained more than the Firſt, and what Way a Miſchief ſhall be redreſſed other than by Parliament. I know not. So that by this *Reſolution* of the Lords, and denying to commit upon this Ground (for they ſhew'd no other) every Thing for which a Parliament is uſeful is denied us.

AFTER all this come to the very Caſe. If a Treaſon be committed, and the Fame is that *A. B.* is guilty of it, it is lawful to Apprehend him for it. If *Hue* and *Cry* purſue a Man, though he be not of evil Fame, yet he may lawfully be Impriſoned: If it proves falſe, he hath his Remedy; but that obſtructs not the Law to bring him to Trial: Any Watchman may Arreſt a Night Walker, and hath a Warrant in Law for it, and this is as good Proceſs in Law, as any Original Writ.

AND after all this, conſider with what kind of Colour, when there are weighty Reaſons why

why we ſhould not mention ſpecial Treaſon, and that mentioning it generally anſwers the Petition of Right, the whole Commons of *England*, (who are in no Degree repreſented by the Lords, they only repreſent their own Perſons) ſhould be denied the ſecuring a Perſon Impeached, unleſs a particular Charge be given, how prejudicial ſoever to the Kingdom. 1667.

ANOTHER Thing, there is no Right which a Man hath in this Land, or any Part of the World; but his Right is ſuch, that if it be kept from him, he hath a means to come to it, otherways it is *Damnum ſine Injuria*; for where the Law gives no Remedy, there is but Suppoſition of Right: By the ſame Meaſure it will follow, that there is no civil Wrong can be done to any Man, but the Law provides a Remedy if that Wrong be done; and if by the Law there is no Remedy, it is no Wrong; conſider then this Caſe.

THERE are in this Kingdom, in the Civil State of it, Three Eſtates, which the King hath then in making Laws. There are Three Eſtates, whereof the King is Principal; ſometimes they are mentioned as the King's Three Eſtates, and he none of them: The Eſtates in general are the Commons of the Kingdom, (who are perfectly repreſented in this *Houſe*) the Lords another, and the King another, and theſe are ſuch, that there is no Petitory Action, nor the Laws directed to any one of them, but the Laws you make are to diſtribute Juſtice in other Courts. For Inſtance, if all the Commons of *England* (who are One of the Eſtates) ſhould Accuſe one of themſelves, the Party can have no Wrong, becauſe the Parliament can have no Action brought againſt them, nor can they be ſuppoſed to do any thing for Malice.

1667. IT is the ſame between the Body of the *Lords* and *Commons*; and there is no Law either to Vindicate the one or the other; but they ſtand as if there were no communicable Law betwixt them: But the Meaſure between them is that which is good for the whole; for they are the Makers of Laws for others, but no Laws can be fancied to reach the whole of the *Commons*, or of the *Lords*. So that 'tis eaſily to be ſeen how it hath been put upon us; ſo that now we are in ſuch a Caſe, we know not to what end we ſhall proceed upon this or any other Impeachment; for by this Judicial Power you ſhall be excluded from any Proceedings by Laws of Parliaments; and ſo you take away the whole Right of the Kingdom.

BUT now what ſhall you do? I ſee many Inconveniences which may happen both Ways, but I ſee ſo many this Way, that if any Man gave ſuch Council as is charged upon the Earl of *Clarendon*, it is not ſo dangerous as the Caſe before you; for the Inconveniencies attending that Council would quickly ſhew itſelf by the Miſery following: But this is a ſmall thing begun with, which, like a Canker, may eat till it be incurable, and that is as abſolutely juſtifiable as this.

AND now I have ſaid this, I am perplexed what to ſay more, for all can bear me Witneſs what Reſpect I have endeavoured to preſerve to the *Houſe of Peers*; but I am ſo ſenſible of this, that tho' I cannot forget my Reſpect to them, yet I muſt lament the Condition into which they have brought themſelves firſt, and us next, for they cannot think to avoid it. The *Houſe of Peers* is but a New Stile called ſo, as *Jurors* are called *Peers* from the Word *Par*; for every *Commoner* hath

hath his *Peers* as Lords have; and the whole Stile formerly was *Archbiſhops*, *Biſhops*, *Dukes*, &c. but *Pares Regni* is a new Stile. It is called the *Upper Houſe* and is to be look'd upon with Reverence. The Lords have a Juriſdiction, but in this Caſe I muſt be plain, their granted Juriſdiction ariſeth from the *Houſe of Commons*, if you Impeach not there, their Judicial Power will be very little. If a Lord be to be Tried for Treaſon, the Lords are but his Jurors; and tho' they Try him upon Honour, not upon Oath, yet they are no more his Triers, than as out of Parliament: The Judge of Treaſon in the Lords Houſe is Conſtituted by the King as a Lord *High-Steward*, and there is no other Judge; therefore I know not the Judicature they ſpeak ſo much of. 1667.

THERE is another for Writs of Error, which are there determined, but the Juriſdiction of that is very little; for the Inconveniency of the Lords determining what could not be determined in other Courts is ſo found out 25 *Eliz.* they are to be brought firſt into the *Exchequer* Chamber.

THERE is another Way when Perſons carry Complaints to the Lords, which yet is a Queſtion, for Commoners ought not to carry Complaints there, except in ſome Caſes from *Chancery*; therefore this Matter of Juriſdiction, which they talk of, is not ſuch a wonderful Thing as they would make it.

THEREFORE whatever we ſhall do after it, your Rights being ſo much concerned, that you know not where the Stay will be, it is neceſſary that you make a Committee to draw up a Proteſtation to be made by this Houſe concerning this Matter, the Invaſion of your Right in it, and the Danger to the Kingdom by it.

M R.

1667. MR. *Vaughan* having thus learnedly ſtated Matters, Mr. *Colembine* took the Word; that the Lords ſay, That committing upon a General Impeachment was againſt Law, and he thought it would appear ſo, he deny'd not; but a *Mittimus* without ſpecial Cauſe was Legal, and grounded upon the Petition of Right; the Reaſon of which was to ſecure Men againſt Commitment by a ſpecial Warrant, and a Judge ought not to diſcharge where Treaſon was alledged: But in this Caſe it was different; the Judges could not diſcharge a Man Committed after Examination, but the Lords ought not to Commit a Man, except there were particular Treaſon. That if he came before a Juſtice of Peace, and ſaid, I accuſe this Man of Treaſon, would any wiſe Man Commit him? He made his Warrant indeed, but he that accuſed muſt go farther, and make it more Particular, and the ſpecial Matter muſt appear before he Commit; and this was the preſent Caſe.

THE Common-Law was, That no Man ought to be Committed without particular Cauſe; becauſe no Man could Commit in Capital Matters, without taking Examination before hand, otherwiſe no Man could juſtifie a Commitment: Therefore he was not ſatisfied that the Lords had not reaſon to deny it. That the Commons were in the Nature of a *Grand Jury* to Preſent, but the Lords were the *Judges*; that Commitment was not the Judgment, but in order to it, and the Lords had a Diſcretionary Power in the Caſe: That the Lords ſaid not that they would not Commit, but that they were not ſatisfied to do it without ſpecial Matter, therefore they ought to ſend it up.

THIS

THIS is the only Gentleman that we have heard to ſay any thing that looked to favour the Earl of *Clarendon*, and the Proceedings of the Houſe of Peers, for a long time, and I think with a great deal of Reaſon; to which Sir *Robert Howard*, who ſpoke next, made no direct Reply, but ſaid he had attended the Reaſons given againſt making a Proteſtation, and whatever was ſaid was but levelling a *Houſe* of Commons with every private Accuſer; a Juſtice of Peace (it was ſaid) muſt have Evidence before he Commit, and that Houſe had had Inducements to Impeach, and might not a Houſe of Commons judge what was Treaſon as well as a Juſtice of Peace? The Inconveniencies and Dangers laid before them if they proceeded were nothing in Compariſon of thoſe on the other Side. 1667.

HAD the Lords Impriſoned, they had before this had the particular Charge, and the Proteſtation was not to ſtop it, but to make Way for it ſome other Way; for it would reſolve into a Remonſtrance, by which they might give the Nation an Account of their Proceedings, to come to a Tryal of the Buſineſs.

THIS Buſineſs of a Proteſtation ſtarted a freſh Debate, and Mr. *Vaughan* ſaying, that by the Proteſtation ſpoken of was meant to preſerve the Rights of that Houſe upon the whole Matter, and to give the Reaſons of their Proceedings. Sir *Thomas Meers* did not think what he had ſaid ſufficiently explained, that if it were but to enter it into their Book, he was not againſt it, but if an Appeal to the Nation, he pray'd them to conſider what they did.

MR. *Vaughan* reply'd, That this Way of Proteſtation differ'd from entring in their Books, but the beſt Way was to draw it up, and to bring it to them, and then any Man might take

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1667. Exceptions againſt it; for the meaning was, That this Houſe Claim'd its Rights. But Mr. *Garaway* propoſing firſt to make their Proteſtation, and then Appeal to the King.

MR. *Vaughan* rejoined, that none could ſurmize that they mean an Appeal to the People by what was moved, for what was done muſt be done to ſome Part of the Parliament; the King, Lords, or themſelves: And they who ſpoke of it (if it were done with Evil Intent) deſerved to be called to the Bar; that when it was brought before them for their Approbation, they might either retain or reject it.

HERE Sir *Walter Young* deſiring, that the Houſe might know before hand to whom they were to remonſtrate, and on what Ground, and therefore to Adjourn their Debate then. Mr. *Trevor* would have had what Appeal they made to be to the King, but to bring it into the Houſe, and give it what Name they pleaſed. But Sir *Robert Atkins* ſaid, that as he would be tender of their Priviledges, ſo of giving Offence to the Lords, therefore they ſhould endeavour to be unanimous in that Houſe; that a Proteſtation was Named, he was a Stranger to it, and would underſtand clearly what it was before they did it; that it was a Courſe warranted by Preſidents and Proceedings of Parliaments, conſidering what Effect it had had in the late times, therefore they might do well to adjourn the Debate, and conſider of it. Sir *Thomas Littleton* told them, that Proteſtation would be like that in the Lord *Maynard*'s Caſe, but ſomewhat longer, and ought to go farther than to one of the Eſtates, and be kept within the Walls.

HERE Mr. *Swinford* broke Silence, and ſaid, You ſent up a Charge to the Lords in general, deſiring that the Earl of *Clarendon* ſhould be

be ſecured, and in convenient Time you would ſend up Articles; from that Time it hath not been done, and the Lords have paſſed ſeveral Votes about it ſince, but you have not paſſed one. 1667.

FIRST they Voted that they had not complied with your Deſires for want of particular Treaſon; then you gave them Reaſons, they are not ſatisfied with them; then a Free Conference, they are ſtill unſatisfied; and all this while you have not come to any Reſolution: So that till you come to a Vote, no Man knows but that you are ſatisfied with their Anſwer; for when the Matter of the Proteſtation is brought in, we ſhall not be ready for it till we have reſolved that what the Lords inſiſt on is an Obſtruction of Juſtice, and you cannot agree with them without great Inconvenience to the Nation; therefore put a Queſtion, *That the Lords, not having agreed to ſecure the Earl of* Clarendon *upon the General Impeachment, have obſtructed the Publick Juſtice of the Kingdom in Proceedings of Parliament, and is of dangerous Conſequence:* This is neceſſary, becauſe the Lords have heard nothing from you, but endeavour to ſatisfie them.

SIR *John Goodrick* replied, that this Queſtion would be a greater Accuſation of the whole Houſe of Lords than the other was of the Earl of *Clarendon.* But if they would go by Way of Proteſtation, and keep it within their own Walls, he liked it better than that Queſtion, but Sir *Robert Howard* would have the putting of the Queſtion to be no Charge upon the Houſe of Lords; and therefore if that Gentleman thought it ſo great an one, ſure he thought the Charge againſt the Earl of *Clarendon* to be a very ſmall one. Was there any Obſtruction to Juſtice? If not, why did they not comply? If there was, they could not it ſeems complain, without

1667. without Charging the Lords. The keeping it within their own Walls was but like a Man, when he was alone muttering Arguments to himself, and commending himself for it. That if they met with any Obstructions, he prayed them first to put the Question whether they were obstructed.

SIR *Robert Atkins* said, it is no light Matter to Charge the Lords with Obstructing Justice, therefore the thing being new, pray Adjourn it till too Morrow, that we may be more of one Mind.

AT length the Question was stated, 'That the 'Lords not having complied with the Desire of 'the Commons in Committing the Earl of *Cla-* '*rendon*, and Sequestring him from Parliament 'upon the Impeachment from that House, was 'an Obstruction to the Publick Justice of the 'Kingdom, and a President of Evil and Dan-'gerous Consequence, and carried in the Affirma-tive: Then having appointed a Committee to draw up a Declaration to vindicate their Pro-ceedings, they had next Day, the 3d of *December*, a Message from the Lords that they had received a large Petition from the Earl of *Clarendon*, which intimated that he was with-drawn. After some reasoning upon it, they had on the 4th, (*viz.* the same Day on which the King was pleased to declare the Earl should be divested of his Place of Privy Councellor) another Message from the Lords to desire a speedy Confe-rence which was delivered by the Duke of *Buckingham*, who said to this Purpose.

THAT the Lords had Commanded him to deliver to them that Scandalous and Seditious Paper sent from the Earl of *Clarendon*, desiring them to present it to them, and to desire them in convenient time to send it to them again, for it had a Stile which they were in love with, and desired to keep it.

HOW

HOW ironically ſoever his Grace of *Buckingham*, who was notoriouſly known to be no Friend to the Earl, deliver'd himſelf in this Meſſage; the Petition itſelf is writ in ſo Noble a Stile, and with ſuch an Air of Candor and Sincerity, that it muſt be inſerted here in its full length. 1667.

TO the Right Honourable, the Lords Spiritual and Temporal, in Parliament Aſſembled: The Humble Petition and Addreſs of Edward *Earl of* Clarendon.

May it pleaſe your Lordſhips.

'I Cannot expreſs the Inſupportable Trou-
'ble and Grief of Mind I ſuſtain under
'the Apprehenſion of being miſrepreſented
'to your Lordſhips; and when I hear how
'much of your Lordſhip's Time hath been ſpent
'upon the mention of me, as it is attended
'with more Publick Conſequence, and of the
'Difference in Opinion, which hath already, or
'may probably ariſe, betwixt your Lordſhips and
'the Honourable Houſe of Commons, whereby
'the great and weighty Affairs of the King-
'dom may be obſtructed, in a Time of ſo ge-
'neral Diſſatisfaction. I am very unfortunate
'to find myſelf to ſuffer ſo much under Two
'very diſadvantagious Reflections, which are
'in no Degree applicable to me.

'THE Firſt, From the Greatneſs of my E-
'ſtate and Fortune, collected and made in ſo
'few Years; which if it be proportionable to
'what is reported, may give reaſonable Cauſe
'for my Integrity to be ſuſpected.

'THE Second, That I have been the ſole
'Manager and chief Miniſter of all the Tranſ-
'actions of State ſince the King's Return into
'*England*, to *Auguſt* laſt; and therefore that
'all Miſcarriages and Misfortunes ought to
'be imputed to me and to my Counſels.

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1667. 'CONCERNING my Estate, your Lordships will not believe that after Malice and Envy have been so inquisitive and sharp sighted, I will offer any thing to your Lordships but what is exactly true: And I do assure your Lordships in the First Place, That (excepting the King's Bounty) I have never receiv'd or taken One Peny, but what was generally understood to be the just and lawful Perquisites of my Office, by the constant Practice of the best Times; which I do (in my own Judgment) conceive to be that of my Lord *Coventry*, and my Lord *Elesmere*, the Practice of which I constantly observed; although the Office in both their Times was lawfully worth double to what it was to me, and I do believe now is.

'That all the Courtesies and Favours which I have been able to obtain from the King, or other Persons, in Church, State, or *Westminster-Hall*, have never been worth to me Five Pounds; so that your Lordships may be confident I am as innocent from Corruption, as from any Disloyal Thoughts; which after near Thirty Years Service of the Crown, in some Difficulties and Distress, I did never expect would have been objected to me in mine Age. And I do assure your Lordships, and I will make it very manifest, that the several Sums of Money, and some Parcels of Land, which his Majesty hath bountifully bestowed upon me since his Return into *England*, are worth more than all I have amounts unto: So far I am from advancing my Estate by Indirect Means. And though this Bounty of his Majesty hath very far exceeded my Merits, or my Expectations, yet some others have been as fortunate, at least in the same Bounty, who had as small Pretences to it, and have no great Reason to envy my Condition. I had

'the

the good Fortune to ſerve a Maſter of very great Judgment and Underſtanding, and to be always joined with Perſons of great Ability and Experience; without whoſe Advice and Concurrence, never any thing hath been done. 1667.

'BEFORE his Majeſty's coming into *England*, he was conſtantly attended by the Marquis of *Ormond*, the late Lord *Culpepper*, and Mr. Secretary *Nicholas*, who were equally truſted with my ſelf, and without whoſe joint Advice and Concurrence, when they were all preſent, (as ſome of them always were) I never gave any Counſel.

'AS ſoon as it pleaſed GOD to bring his Majeſty into *England*, he eſtabliſhed his Privy-Council, and ſhortly out of them a Number of honourable Perſons of great Reputation, (who for the moſt Part are alive ſtill) as a Committee for Foreign Affairs, and Conſideration of ſuch Things, as the Nature of them require much Secrecy: And with theſe Perſons he vouchſafed to join me, and I am confident the Committee never tranſacted any thing of Moment (his Majeſty being always preſent) without preſenting the ſame to the Council-Board: And I muſt appeal to them concerning my Carriage, and whether we were not all of one Mind in all Matters of Importance: For more than Two Years I never knew any Difference in the Council, or that there were any Complaints in the Kingdom; which I wholly impute to his Majeſty's great Wiſdom, and the entire Concurrence of his Council, without the Vanity of aſſuming any Thing to my ſelf: And

1667. 'therefore, I hope I ſhall not be ſingly 'charged with any Thing that hath ſince 'fallen out amiſs.

'BUT from the time that Mr. Secretrary *Nicholas* was removed from his Place, [*which was on the 2d of* October 1662. *and no more but One Year and Four Months ſince the Reſtoration, and the Earl's Prime Miniſtry,*] there were great Alterations; and whoſoever knew any Thing of the Court or Council, knew well how much my Credit ſince that Time hath been diminiſhed (tho' his Majeſty graciouſly vouchſafed ſtill to have my Advice in moſt of his Affairs;) nor hath there been from that Time to this above One or Two Perſons brought into the Council, or preferred to any conſiderable Office in the Court, who have been of my intimate Acquaintance, or ſuſpected to have any Kindneſs for me; but moſt of them known to have been very long my Enemies, and of different Judgment and Principles from me, both in Church and State; and who have taken all Opportunities to have leſſened my Credit to the King, and with all other Perſons, by Miſrepreſenting and Miſreporting all that I ſaid or did; and perſuading Men that I had done them ſome Prejudice with his Majeſty, or croſſed them in ſome of their Pretences, tho' his Majeſty's Goodneſs and Juſtice was ſuch, that it made little Impreſſion upon him.

'IN my humble Opinion, the great Misfortunes of the Kingdom have proceeded from the War, to which it was notoriouſly known, that I was always moſt averſe; and may without Vanity ſay, I did not only foreſee, but I did declare the Miſchiefs

'we

'we ſhould run into, by entring into War before any Alliance with the Neighbour Princes: And that it may not be imputed to his Majeſty's want of Care, or the Negligence of his Counſellors, that no ſuch Alliances were entered into; I muſt take the boldneſs to ſay, That his Majeſty left nothing unattempted in order thereunto: And knowing very well that *France* reſolved to begin a War upon *Spain*, as ſoon as his Catholick Majeſty ſhould depart this World; which being much ſooner expected by them, they had in the Two Winters before been at great Charge in providing plentiful Magazines of all Proviſions upon the Frontiers, that they might be ready for the War: His Majeſty uſed all poſſible Means to prepare and diſpoſe the *Spaniards* with that Apprehenſion, offering his Friendſhip to that Degree, as might be for the Security and Benefit of both Crowns: But *Spain* flattering it ſelf that *France* would not break with them, at leaſt that they would not give them any Cauſe, by adminiſtring Matter of Jealouſie to them, never made any real Approach towards Friendſhip with his Majeſty, but both by their Ambaſſadors here, and to his Majeſty's Ambaſſadors at *Madrid*, always inſiſted as Preliminaries, upon the giving up of *Dunkirk*, *Tangier*, and *Jamaica*. 1667.

'BUT *France* had an Ambaſſador here, to whom a *Project* for a Treaty was offered; and the Lord *Hollis*, his Majeſty's Ambaſſador at *Paris*, uſed all Endeavours to promote and proſecute this Treaty; yet it was quickly diſcerned, that the principal Deſign of *France* was to draw his Majeſty in-

1667. 'to ſuch a nearer Alliance as might advance 'the Deſign, without which, they had no 'Mind to enter into the Treaty propoſed.

'AND this was the State of Affairs, 'when the War was entred into with the '*Dutch*; from which time, either concerned 'themſelves with the making of Alliance 'with *England*.

'AS I did from my Soul abhor the enter- 'ing into this War, ſo I never preſumed to 'give any Advice or Counſel for the way of 'managing it, but by oppoſing any Propoſi- 'tions which ſeemed to the late Lord Trea- 'ſurer, and my ſelf, to be unreaſonable; as 'the Payment of the Seamen with Tickets, 'and many other Particulars which added to 'the Expence.

'MY Enemies took all Occaſions to in- 'veigh againſt me, and making Friendſhip 'with others out of the Council of more li- 'centious Principles, as who knew well e- 'nough how much I diſliked and complained 'of the Liberty they took to themſelves of 'reviling all Counſel, and Councellors, and 'turning all Things ſerious and ſecret into 'Ridicule: They took all Ways imaginable 'to render me ungrateful to all ſorts of Men, '(whom I ſhall be compelled to Name in my 'own Defence) perſuading thoſe that miſ- 'carried in any of their Deſigns, that it was 'the Chancellor's Doing, whereof I never 'knew any thing.

'HOWEVER, they could not withdraw 'the King's Favour from me, who was ſtill 'pleaſed to uſe my Service, with others; 'nor was there ever any Thing done but up- 'on the joint Advice of at leaſt the major 'Part of thoſe that were concerned. And

'as

'as his Majeſty commanded my Service in 1667.
'the late Treaties; ſo I never gave the leaſt
'Advice in private, nor wrote one Letter to
'any Perſon in any of thoſe Negociations,
'but upon the Advice of the Council; and
'after it was read in Council, or at leaſt by
'the King himſelf, and ſome other. And if
'I prepared any Inſtructions or Memorials,
'it was by the King's Command, and the
'Requeſt of the Secretaries, who deſired my
'Aſſiſtance: Nor was it any Wiſh of mine
'own, that any Ambaſſador ſhould give me
'Accompt of the Tranſactions; but to the
'Secretaries, with whom I was always ready
'to Adviſe: Nor am I conſcious to my ſelf
'of ever having given Advice that hath pro-
'ved Miſchievous or Inconvenient to his Ma-
'jeſty: And I have been ſo far from being
'the ſole Manager of Affairs, that I have not
'in the whole laſt Year been above twice
'with his Majeſty in any Room alone, and
'very ſeldom in the Two or Three Years
'preceding.

'AND ſince the Parliament at *Oxford*, it
'hath been very viſible that my Credit hath
'been very little, and that very few Things
'have been hearkned unto, which have been
'propoſed by me, but contradicted, *eo nomine*,
'becauſe propoſed by me.

'I MOST humbly beſeech your Lord-
'ſhips to remember the Office and Truſt I
'had for Seven Years; in which, in Diſ-
'charge of my Duty, I was obliged to ſtop
'and obſtruct many Men's Pretences, and to
'refuſe to ſet the Seal to many Men's Par-
'dons, and other Grants, which would have
'been profitable to them which procured
'them; and many whereof, upon my Re-

1667. 'preſentation to his Majeſty, were for ever 'ſtopped; which naturally have raiſed many 'Enemies to me.

'AND my frequent concurring with the 'late Lord Treaſurer, with whom I had the 'Honour to have a long and a faſt Friend-'ſhip to his Death, in preſenting ſeveral Ex-'ceſſes and Exorbitances, (the yearly Iſſue 'ſo far exceeding the Revenue) provoked 'many Perſons concerned, of great Power 'and Credit, to do me all the ill Offices they 'could. And yet I may faithfully ſay, That 'I never meddled with any Part of the Re-'venue, or the Adminiſtration of it, but 'when I was deſired by the late Lord Trea-'ſurer to give him my Aſſiſtance and Advice, '(having had the Honour to ſerve the Crown 'as Chancellor of the *Exchequer*) which was 'for the moſt Part in his Majeſty's Preſence.

'NOR have I ever been in the leaſt De-'gree concerned in Point of Profit, in the 'letting any Part of his Majeſty's Revenue; 'nor have ever treated or debated it, but in 'his Majeſty's Preſence; in which, my Opi-'nion only concurred always with the major 'Part of the Counſellors who were preſent.

'ALL which, upon Examination, will be 'made manifeſt to your Lordſhips, how much 'ſoever my Integrity is blaſted by the Malice 'of thoſe, who, I am confident, do not be-'lieve themſelves. Nor have I in my Life, 'upon all the Treaties, or otherwiſe, recei-'ved to the Value of One Shilling from all 'the Kings and Princes in the World, (ex-'cept the Books of the *Louvre* Print, ſent me 'by the Chancellor of *France* by that King's 'Direction) but from my own Maſter; to 'whoſe entire Service, and to the Good and

'Wel-

'Welfare of my Country, no Man's Heart 1667.
'was ever more devoted.

'THIS being my preſent Condition, I 'do moſt humbly beſeech your Lord-'ſhips to retain a favourable Opinion of 'me, and to believe me to be Innocent 'from thoſe foul Aſperſions, until the 'contrary ſhall be proved; which I am 'ſure can never be, by any Men wor-'thy to be believed. And ſince the 'Diſtemper of the Time, and the Dif-'ference between the Two Houſes in 'the preſent Debate, with the Power 'and Malice of my Enemies, who give 'out, That they ſhall prevail with his 'Majeſty to Prorogue or Diſſolve this 'Parliament in Diſpleaſure, and threaten 'to expoſe me to the Rage and Fury of 'the People; may make me be looked 'upon as the Cauſe which obſtructs the 'King's Service, and the Unity and 'Peace of the Kingdom: I muſt hum-'bly beſeech your Lordſhips, that I 'may not forfeit your Lordſhip's Fa-'vour and Protection, by withdrawing 'my ſelf from ſo powerful a Proſecu-'tion; in hopes I may be able, by ſuch 'withdrawing, hereafter to appear, and 'make my Defence: When his Maje-'ſty's Juſtice, to which I ſhall always 'ſubmit, may not be obſtructed nor con-'trouled by the Power and Malice of 'thoſe who have ſworn my Deſtru-'ction.

1667. WHEN this Addreſs came into the Hands of the Commons, it occaſioned a new Turn in their Debates, which was begun Artfully enough by Mr. *Vaughan*, in this manner: 'That he thought it not convenient to loſe 'more Time about that Paper. Since the 'Time of the Earl of *Clarendon*'s Name being 'mention'd there, he had nothing to Charge 'him, with till now; but moſt of the Heads 'of this Charge were ſo weighty, that he 'was confident they would be eaſily and 'thoroughly proved, tho' he knew not how; 'ſo that he admired at his Confidence, to 'Charge this Houſe, and ſo the Nation, as 'his Perſecutors, and that in ſuch a Condi-'tion, as he hoped to vindicate himſelf. It 'was the firſt time that ever he heard an In-'nocent Man run away under the greateſt 'Charge, with hopes to return again and 'vindicate himſelf.

'THEN he deſired them to mark one 'Expreſſion; in that he ſaid, *He was as far 'from Corruption, as from Diſloyalty.* If he had 'ſaid, he was guilty of neither, he had ſaid 'Something; but by that Expreſſion he 'might be guilty of both: So inſolent a 'Paper he never met with in this Kingdom, 'nor had he ever read the like in any other; 'ſo inconſiderable a Part of the Nation as He 'was, to lay it upon the Nation, who, if In-'nocent, might defend himſelf, if guilty, 'why did he charge the Nation with Perſe-'cuting? Therefore without troubling them-'ſelves with it, let them do as the Lords had 'done; who deliver'd it to them as a Scanda-'lous and Seditious Paper; that it had Ma-'lice in it, and was the greateſt Reproach 'upon the King and the whole Nation 'that

'that ever was given by Man. Therefore 1667.
'he propoſed to put the Queſtion, Whether
'his Paper ſhould not have the Character,
'that it was a *Scandalous and Malicious Paper,*
'and a Reproach to the Juſtice of the Nation?
'And it was carried in the Affirmative.

UPON this, Sir *Robert Howard* moving, That this Paper ſhould not live, but be burnt by the common Hangman; Mr. *Garraway* ſaid, 'The Paper was the Lords, and they muſt 'ſend it to them, but enter it into their 'Books, and the Vote upon it: Reſolved to 'have it burnt.

ANOTHER having moved, That the Paper being the Lords, they ſhould move them to concur that it might be burnt: Upon which, Sir *Robert Howard* ſaid, 'The Mean-'ing of this was, becauſe the Duke of *Buck-'ingham* deſired the Paper again for the ad-'mirableneſs of the Stile, it was entered in-'to their Books already, and they needed it 'not to that End; therefore let them deſire 'the Lord's Concurrence to burn it.

A MOTION being made on the 5th of *December*, to ſend to the Lords in purſuance of the Vote about burning the Paper: 'Mr. *Vaugh-'an* was againſt ſending to the Lords to that 'purpoſe, becauſe they had Ordered to en-'ter the Paper into their Books; and when 'a Paper was burnt, it was not to ſtand up-'on Record, but ſhould be raſed out; which 'Two Things were a perfect Contradiction, 'therefore let it reſt as it was; they had 'Voted it *Scandalous, &c.* The Lords told 'them, not that they had done any ſuch 'Thing, tho' they ought to have done it 'firſt; That as for the Earl of *Clarendon*, he 'being now gone, if ſuch a like Occaſion

'ſhould

1667. ‘ſhould fall out, they were in a worſe Con-
‘dition than they had been; for there was
‘this Precedent againſt them, in a Caſe now
‘manifeſt: And it became them to do
‘ſomething in order to the Lords concur-
‘ring, that ſo a good Underſtanding might
‘be got; therefore he ſhould propoſe this to
‘them, to be ſent up to them to that end:

‘NAMELY, When any Subject ſhould
‘be Impeached by the Commons before the
‘Lords in Parliament with deſire to ſecure
‘him, ſuch Perſon by the Law of the Land
‘ought to be ſecured accordingly. This
‘they had in effect Voted already, in ſay-
‘ing, The *Juſtice of the Kingdom was obſtructed*
‘*by their not doing it.*

‘*Secondly*, WHEN ſuch Impeached Per-
‘ſons ſhould be ſecured, the Lords might li-
‘mit a certain Time for bringing in the
‘Charge, to prevent Delay of Juſtice.

‘THIS might ſalve all, and prevent
‘ſuch Ways as might be diſpleaſing to the
‘Lords, and perhaps to them alſo, in ſome
‘Caſes hereafter.

HERE Mr. *Swinford* told them, ‘He was
‘perſwaded, That, according to Rules of
‘Parliament, when they charged by Im-
‘peachment generally, and promiſed in due
‘time to ſend up their Charge, they ought
‘to ſecure; but they not having done it, he
‘queſtioned whether they could do what
‘they had done: But the Earl of *Clarendon*
‘flying, it was manifeſt, Juſtice was obſtru-
‘cted; for he might have been brought to
‘his Trial, if the Lords had ſecured him;
‘but now their Vote was made good, which
‘ſeem'd to lay the Advantage on their Side.

SIR

SIR *Robert Howard* being of Opinion, 1667.
'That that Meſſage to the Lords would de-
'ſtroy the Way of vindicating themſelves by
'Declaration; was for finiſhing the Decla-
'ration; and them to reſolve, before they
'publiſh'd it, whether to ſend up that Meſ-
'ſage.

UPON which Mr. *Vaughan* ſaid, 'That
'if the Lords agreed with them, they might
'ſpare the Declaration; but if they agree
'not, then they would much leſs hereafter:
'Their Declaration could amount to no more
'than this, To make a Narrative of the In-
'validity of the Lords Precedents, but then
'they muſt of Neceſſity do ſomething more,
'elſe their Labour was in vain; therefore
'this Meſſage with theſe Votes were neceſ-
'ſary.

SIR *Richard Temple* ſaid, 'He expected,
'that when the Earl of *Clarendon* had been
'fled, the Lords would have deſired the King
'to iſſue out a Proclamation to apprehend
'him, ſeeing he had been the Occaſion of
'his Eſcape. Let them therefore now deſire
'their Concurrence to go to the King for
'that End; and if they concurr'd, they had
'upon the Matter granted a Commitment
'upon a general Impeachment.

HERE Mr. *Vaughan* told them, 'That he
'had thought it his Duty to offer them what
'he had done: If they liked it not, he de-
'ſired to be excuſed in ſerving them in the
'Declaration; and that they, who thought it
'neceſſary, would be pleaſed to take the
'Pains to do it.

BUT Sir *Thomas Lee* ſaid, 'If you de-
'clare, it will beget an Anſwer; and where
'will that end? If you ſend up your Votes,
'and

1667. 'and the Lords agree, your End is anſwer'd; 'for it is a yielding that which they have yet 'denied: Your declaring, and entring it 'upon the Journal, will be to no Purpoſe; 'it is but like a Man, who having been 'beaten publickly, in his Chamber calls him 'who did it *Rogue*.

HERE Mr. *Hampden* expreſſing his Deſire, 'That the Words *(Law of the Land)* might 'be left out, and the Words *(Law of Parlia-'ment*, or, *Uſage of Parliament)* put inſtead 'of them; for it had been ſhew'd them, 'That there were ſeveral Ways of Impeach-'ment beſides Common Law.

Mr. *VAUGHAN* ſaid, 'Thoſe Words 'were purpoſely put in, becauſe at the free 'Conference, when they preſſed the *Laws of 'Parliament*, the Lords preſſed the *Law of 'the Land*, by way of Negative, as if the '*Law of the Land* were otherwiſe; but rather 'than that ſhould be an Obſtruction, let 'them put it *by Law*.

'BUT Mr. *Steward* was for having them 'to leave out the Words *(by Law;)* for if a 'Man was ſecured, it was implied by them 'who did commit, that it was according to 'Law.

THEN it being moved to draw both Votes in one, Sir *Thomas Littleton* ſpoke thus; 'That though you ſhould put both Votes into 'one, it will not anſwer your End, for the 'Lords will not concur with the firſt Part, 'and yet may make uſe of what Part you 'grant of it, that is the laſt, and ſo have 'Advantage of you; but there is another 'Reaſon why you ſhould forbear theſe Votes, 'namely *Prudence*.

'THE

'THE Earl of *Clarendon* being gone, 1667.
'there is an Expectation that a Bill ſhould be
'prepared to do ſomething farther, wherein
'I hope both Houſes will join: If you ſend
'up this, you will give Diſturbance to that
'Bill, and if you ſhould enter this in your
'Books, in order to ſend it up hereafter,
'they will hear of it, as done to make them
'ſwallow former *Reſolves*. Therefore defer
'it for the preſent.

HERE Mr. *Trevor* would have them conſider, 'Whether the Matter betwixt them and
'the Lords was not well as it was. They had
'voted, That when a Man was generally
'impeached, he ought to be ſecured; and
'that the Lords not having done it, was an
'Obſtruction to Juſtice: And what would it
'ſignify to carry it to the Lords? What had
'ſince fallen out, juſtifies you, and lays the
'Diſadvantage upon the Lords. The World
'expected now what they would do farther,
'and that muſt be by concurring with the
'Lords.

SIR *Thomas Clifford* ſaid, 'They all agreed
'to thoſe Votes, in order to juſtify their
'Rights; but what was the Uſe of it? They
'had already done it in their Books; and
'they could not expect the Lords ſhould go
'ſo much againſt their own Votes: This
'therefore would but widen the Gap, it be-
'ing telling them, they muſt eat their Words.

HERE Sir *Thomas Littleton* ſtood up, and ſpoke; 'That thoſe who had had a Hand in
'the Charge againſt the Earl of *Clarendon*,
'had been thought ſometimes too violent,
'ſometimes too remiſs, as not able to make
'out the Charge: But what he ſpoke now
'was for their Honour, which would be

'wrong'd

1667. 'wrong'd in that Proceeding. He was for 'bringing the Impeachment to ſomething; 'and therefore againſt thoſe Votes. Now 'they made a Declaration of their own 'Rights, and enter'd it upon their own Books, 'that not only the Vote might appear, but 'the Ground of it; but not to declare to 'the Lords, which would beget an Anſwer, 'and exaſperate. That it was now unſeaſon-'able to make the Lords retract, therefore 'let them lay it aſide; for though he was 'confident that Gentleman did it to no ſuch 'End, yet if he would deſign any Thing to 'the Earl of *Clarendon*'s Advantage, he could 'not take a better Way than this.

Mr. *VAUGHAN* having ſaid, 'That this 'was but the affirming all which hath been 'done already; and he was for none of 'thoſe who were contriving for any Thing 'out of the Houſe:

'SIR *William Coventry* did not think that 'Queſtion now ſeaſonable, though it was a 'better Expedient than the Declaration, as 'Things then ſtood; and conſidering what 'had paſs'd, he was apt to think the Lords 'might do it of their own Accord; and 'they would not willingly have a Negative 'to their Votes. Therefore, ſeeing their 'Votes might be of uſe hereafter, let them 'put no Queſtion at all, but adjourn the De-'bate to a proper Seaſon.

'BUT Mr. *Vaughan* was againſt the Ad-'journing of it, and ſaid, He had given Te-'ſtimony that he had done nothing to 'be thought to do that which was ſo much 'for the Advantage of the Earl of *Clarendon*; 'and ſhould take heed of doing any Thing 'hereafter to be ſo reflected on.

SIR *Tho-*

SIR *Thomas Littleton*, who thought he was meant by theſe Expreſſions, ſaid, He 'hoped he had avoided any ſuch Reflection, 'and did not ſpeak any Thing to ſuch Pur-'poſe: That he did not believe, nor ever 'did think, any ſuch Thing; and hop'd that 'Gentleman himſelf believ'd, that no Man 'in that Houſe had more Honour for him 'than he. 1667.

'AT laſt, after Sir *Job Charlton* had de-'ſired them to to let the World ſee, that they 'did not intend to reſtrain their Procee-'dings to the Earl of *Clarendon*, but make it 'a general Care; and therefore were con-'cerned in Honour to put the Queſtion; it 'was reſolved, That both the Queſtions pro-'pounded by M. *Vaughan*, and put ſingly in 'the Affirmative, ſhould be carried up to 'the Lords.

ON the 13th of *December*, a Bill was brought from the Lords, to baniſh the Earl of *Clarendon*; and, after reading, ſeveral Objections being made, and it being alledged, that it was an Abuſe put upon the *Commons* by the *Lords*, and that a Bill of Attainder being propoſed, after ſome Debate, the Houſe paſſed this Vote:

Reſolved, *That this Houſe taking Notice of the Flight of the Earl of* Clarendon, *being under an Impeachment of High Treaſon by this Houſe, the King's Majeſty be humbly deſired to iſſue out his Proclamation for ſummoning the ſaid Earl to appear by a Day, and to apprehend him in order to his Trial.*

Reſolved, *To ſend to the Lords for their Concurrence to this Vote.*

ON

1667. ON the 4th, came a Meſſage from the Lords for a Conference; at which they delivered Two Reaſons why they could not concur.

1. *FOR that they conceive a Proclamation in the way propoſed would be ineffectual, ſince it is not* Subpœna Convictionis; *which cannot be till Particulars in order to Trial be declared.*

2. *THAT what the* Houſe of Commons *hath propoſed, and do propoſe at preſent, is intended in order to a judicial Way of proceeding: But ſince the Earl of* Clarendon's *Flight, their Lordſhips, upon Conſideration of the whole State of Affairs, and of the Kingdom, have, upon Grounds of Prudence and Juſtice, thought fit, for ſecurity of King and Kingdom, to proceed in a Legiſlative Way againſt the ſaid Earl; and have to that end paſs'd and ſent down to them a Bill of Baniſhment and Incapacity againſt him, with which this Vote is inconſiſtent.*

ON the 16th, the ſaid Reaſons from the Lords being reported and conſidered, and it being moved, That the Houſe would declare themſelves unſatisfied with them:

'SIR *Thomas Clifford* was againſt paſſing 'a Vote at preſent upon them, but to have 'the Bill ſent down from thence, read, and 'to ſummons the Earl by it to appear by a 'Day.

UPON which, Mr. *Trevor* ſpake thus; 'Some are againſt the Bill, becauſe it goes 'too far, Condemning before Hearing; others 'would have it to go farther. Summons is 'in order to Hearing, Trial, and Judgment: 'Of thoſe, he hath made himſelf incapable 'by Flight, and hath in his Paper told you, '*That he will neither be Heard nor tried by you*:

'Though

'Though you expected to have him ſecured by a general Accuſation, yet you never expected Judgment upon it. Then it is ſaid, *This Baniſhment falls ſhort of Treaſon:* But we are not to paſs Sentence for Crimes, but as a Council propound to the King what is neceſſary in this Caſe. Then conſider whether this Bill will anſwer our Ends; and if it doth, Delay will make it worſe: I think we ſhould make it reach them. What if he hath Life in other Parts, his Family untainted, and his Children alive, and enjoy his Eſtate? 1667.

SIR *Robert Carr* having now told them, That they had ordered to conſider the Reaſons from the Lords; therefore let them do it.

Mr. *HENRY Coventry* anſwered, 'That the Motion to read the Bill was not againſt their Order, becauſe part of the Reaſons given by the Lords was, *That you have a Bill, and till you have read the Bill, you cannot lay by the Reaſons.* The Earl of *Clarendon* was fled: You have a Tie upon him in having his innocent Relations; and by proceeding farther, you make him deſperate: You are now in an even Way with the Lords; therefore read the Bill.

THEN Mr. *Swinford* proceeded thus: you may go upon the Reaſons, and yet not reject the Bill; for when you ſent to the Lords about a Proclamation, and went not upon the Bill, it was becauſe what the Bill drives at is the higheſt Puniſhment next to Death: Therefore conſider what Weight is in the Reaſons; one of them ſeeming to put you upon the Bill, they put you there-

1667. 'upon in a Legiſlative Way: They will 'neither ſecure nor ſummon him, but will 'condemn him unheard. They cannot ſe-'cure him upon a Charge of Treaſon, nor 'yet ſummon him; but they can condemn 'him, and this they put you upon, which is 'againſt Honour and Juſtice, eſpecially to 'do it upon Reaſon of State. The Legiſla-'tive Power of Parliaments is great: It 'hath no Bound, but the Integrity and Juſtice 'of Parliaments. If Reaſon of State be a 'Motive of Parliament to baniſh one Man, 'ſo it may be for many. If you go in this 'Legiſlative Way, you bring upon your 'ſelves all the Diſhonour of the Buſineſs; 'but the Lords will have ſome Excuſe, which 'you cannot; for they look'd upon the 'Charge ſo ſlight, as not to impriſon him. 'The Party is gone, becauſe he was not ſe-'cured, apprehending (he ſaith) Fear of 'the Multitude, not of his Trial; ſo that 'the Lords not giving Credit to your Charge 'againſt him, he ſays, *He flies not from Juſtice.* 'Now if upon this Bill you ſhould baniſh 'him, it would be ſaid you could not make 'good the Charge, and therefore laid this 'Sentence upon him.

'THE Precedent is alſo dangerous, if 'having gone ſo far in a Judicial Way, you 'ſhould now go in a Legiſlative. If, upon 'Reaſon of State, Lords might be baniſhed, 'it may be by Dozens: As you proceed 'juſtly, ſo you will be juſtified.

'NOR is the Danger greater, if the 'Lords go by Proclamation, and he be put 'into Cuſtody when he comes. If he can 'practice any Thing, Will not he be leſs ca-'pable when under the Proclamation, than

'when

when this Bill is passed, which condemns him without hearing? and I am not for any Punishment, till heard. In *Cromwell*'s Case, who moved in *Henry* VIII.'s Time to attaint a Lord unheard, the Judges declared they might, and it would stand: Afterward the said *Cromwell* was attainted and condemned unheard; and such Council usually fall upon those that councell'd it. 1667.

SIR *Robert Howard* was the next that spoke, in this manner: The Earl of *Clarendon* saith, *That he doth not withdraw from Justice, but Fear of Tumults*; but that Reason any Man may give for his flying, if it will be an Excuse; but he might have secured himself from Tumults by rendring himself, and his Innocency upon his Trial would have cleared him. This at last may come to a free Conference: Then you may be left to go along with the King. The House riseth, and doth nothing; and then the World will see, that this Business will assure the King of *France*, That he hath a Man with him so great, as to hinder us from doing any Thing against him: Therefore, as you ought to do something against him, see whether it may not be done by the Bill, by resuming his Lands, *&c.* if he come not in by a Day.

'AN Exception may be against this Way, namely, That there is no Attainder; but if there had been such a Bill, the Thing that should sway me should be the Duke of *York*'s Marriage: So that if you commit this Bill, you may add all Severities, except that of Attainder; and if he come by a Day, then all to be void. If you go by

1667. ‘ Proclamation, the Lords may not concur, ‘ and you loſe your Ends. By this Bill, all ‘ favour that he can expect is ſhewed, and ‘ this Way will be the beſt Confutation of ‘ the Lords Reaſons; therefore commit ‘ the Bill.

Mr. Secretary *Morrice* having declared, He was for committing the Bill, tho' it were condemning unheard; becauſe he could not but conclude it would be ſo. *Et volenti non Injuria.* Sir *Richard Temple* was the next that ſpoke; ‘ You have proceeded againſt this ‘ Earl in all ordinary Ways, and have been ‘ baffled by the Lords. In *Edward* III.'s ‘ Reign, *Adam de Berry* fled, and a Procla- ‘ mation went againſt him, and the Com- ‘ mons neither did, nor ever were bound to ‘ deliver their Articles till the Party appear- ‘ ed, and in that Caſe they delivered not ‘ their Articles till the laſt Day, when he not ‘ appearing was convicted. When you ‘ would go by Attainder, they tell you, De- ‘ liver ſpecial Matter, and we will Summon ‘ him; when you ask a Proclamation, they ‘ tell you, Deliver ſpecial Matter: If you ‘ declare the Matter to the Court, it is upon ‘ Record, and all may know it. You have ‘ tried all Ways Legal and Regular, and they ‘ will do you Juſtice in neither. Now what ‘ can you do? Except you and the Lords ‘ combine in Juſtice together, he muſt eſcape, ‘ if you can be made to differ, he goes away ‘ in a Smoak. If you go to the King for a ‘ Proclamation, you muſt return to the Lords ‘ for Juſtice. I am ſorry the *Ivy* hath been ‘ ſo near the *Oak*, that you cannot touch it ‘ without touching that. There remains a ‘ Bill before you, and in that you are upon

‘ equal

'equal Terms with the Lords; therefore 'give him a Day to be heard, and if he 'come, let him, but then his Penalties are 'too low for his Crimes: Therefore read the 'Bill; go higher, degrade him of Honours, 'forfeit his Lands, and whether you will go 'ſo far, I leave with you. 1667.

Next ſtood up the Solicitor-General, and ſaid, 'It is not poſſible to agree with the 'Lords in their Reaſons, but the Reaſon 'muſt be, becauſe the Bill is good. But if 'any Man thinks it is good upon the Lord's 'Reaſons, he is miſtaken; and therefore my 'Advice is, to proceed upon the Bill, tho' 'not upon the Reaſons from the Lords. 'Some think the Puniſhment in the Bill too 'little for the Crime, others too much, be-'cauſe not ſummon'd; ſo that it muſt fall 'out, That a Perſon impeached by the Houſe 'of Commons, muſt ſee the Houſe riſe with-'out any Marks of Diſpleaſure upon him: 'Can any Man be heard, who will not be 'heard? Why ſhould not you proceed in 'ſuch a Way againſt him, as whoſe very 'Flight amounts to a Confeſſion? And have 'you not burnt his Paper for reflecting upon 'the Houſe? And can you think he will ap-'pear, who is departed in Deſpair of the 'Court? And now you are contending to 'give him Time.

'THEN conſider the Thing in it ſelf. 'Suppoſe the King had a Mind to attaint 'him, the King can do it without your Help, 'for he may be Outlawed for High-Treaſon; 'for tho' that be reverſable at Common 'Law, if he be beyond Sea, yet by two ex-'preſs Acts of Parliament it is otherwiſe, but 'the King cannot Baniſh him without your

1667. Concurrence: Suppoſe him fled and attainted, ſo that the Queſtion is not upon his Life, but his Eſtate; ſuppoſe your Juſtice ſatisfied in that, Is it not paſt all manner of Conſideration, that the King cannot upon Application reſtore it? So that all you look'd for by Attainder, is done by this Bill of Baniſhment, for his Life is ſaved by Flight, as would his Eſtate by Compaſſion; but there is ſomething in this Bill, which, without it, you can never get, that is, you put him under your Diſpleaſure, which the King cannot Pardon; and will you have it thought abroad, that the Earl of *Clarendon*, fled as he is, hath been ſomething too hard for the Two Houſes?

Sir *Thomas Littleton* took the Word, and ſaid, If there be a neceſſity of differing with the Lords, and I thought the Difference would produce ſuch Effects, I ſhould not ſpeak; but they only tell you 'tis unneceſſary, and ineffectual. You have impeached, and are now told, if you proceed, it will make Difference; but I fear another greater Danger than this Difference. The World will ſay, you were willing he ſhould fly, becauſe you could not prove by flying he hath forfeited his Eſtate; if the King give it him again, it is his Mercy; but do you Juſtice: Therefore preſs for a Proclamation, for the Bill is inconſiſtent with your Honour.

Mr. *VAUGHAN* cloſed the Debate thus: I have liſtned with much Attention to this Diſcourſe, and underſtand it as little now as at the beginning, the Diſcourſe being nothing adequate to that End. You have Reaſons from the Lords why they agree not with you, and if you agree with the Reaſons,

'ſons, the Sum is to read the Bill: But if 1667.
'you agree not, you muſt deſire a Confe-
'rence; and if they confer, you may have
'a Proclamation, if not (as I think they will
'not) you are where you were: We ſuppoſe
'him not to be in *England*, and if ſo, What
'is the Proclamation more than the King's
'Writ? It reacheth no Man out of the
'Kingdom. It's true, in ſome Caſes, if the
'Perſons are gone out of the Land they are
'Summon'd, and if they come not, their
'Lands are ſeized; but it is not by Procla-
'mation, which ſignifies nothing if the Party
'be gone.

'THEN go on: Suppoſe the Lord's join
'in deſiring a Proclamation, the End of which
'is appearing and apprehending, poſſibly you
'gain one Part, that if he be apprehended,
'they do impriſon him upon a general Im-
'peachment; but if they agree not, what
'Benefit have you by it? None: But if he
'appears, to what End is it? There is no
'Charge, if apprehended, to anſwer the
'general Charge.

'THEN the Third way is, If the Lords
'agree not, that you ſhould go to the King,
'and there is a more dangerous Rock in that,
'than in any thing; for we never heard of
'a Commitment *per ipſum Dominum Regem*,
'but *per Mandatum Domini Regis*, becauſe a-
'gainſt the King lies no Damages: What
'then muſt you do? Many think it Injuſtice
'to proceed, if he be not called by Procla-
'mation. But it is plain, if you proceed
'upon this Bill, you go not upon your Im-
'peachment, but becauſe he is fled from the
'Juſtice of the Land, wherewith you have
'charged him in burning his Paper; and it

1667. 'imports little, that he ſaith he is Innocent: 'For why then doth he fly? Shall we abate 'him of what he ought to ſuffer for his ſay-'ing ſo? He is fled from the Juſtice of the 'Parliament, and therefore is proceeded 'with, and for what others ſay, you ought 'not to regard popular Reaſons, but to pur-'ſue your own; it is enough for you to hear 'ſome Proofs made: When was it known in 'any Court, that Proofs ſhould be taken only 'on one Side? So that you cannot acquit 'your own Juſtice, nor bring him any Ways 'to anſwer, he being gone; nor can you 'have any effect of the Proclamation, tho' 'the Lords join in it: Therefore, unleſs you 'will have nothing done after all this, (for 'he may not be guilty of all charged, who 'yet hath made himſelf Guilty of what is 'charged, by flying) read the Bill.

AT laſt, the Queſtion was put, Whether the Bill ſhould be read and committed; and being carried by a great Majority, it was reported and read again on the 18th, when Sir *Robert Howard* deſired, that to the Preface of the Bill this Addition might be made; 'That whereas the Earl of *Clarendon* was Im-'peached of Treaſon by the Commons, who 'deſired he might be ſecured, but was not, 'and thereupon is fled. And this, to the end the proteſting Lords might be gratified, who took ſo much Care of the Commons

SIR *Robert Carr* ſeconded the Motion; with which Sir *John Talbot* was unwilling to concur, becauſe they could take no Notice of what the Lords did.

SIR *Richard Temple* then reply'd, 'That 'they might take Notice of Things in the 'Lords Books which were Records, and there

'there the Proteſt was entered; and tho' not 'to gratifie them who owned their Right, 'yet they ought to take Care of their own 'Right: And that the World might ſee 'they had ſome Cauſe to paſs that Bill, they 'ought not to deal ſo modeſtly with a Man 'who fled from Juſtice, as to uſe his Word '[*Withdrawn*,] but call it flying. 1667.

HERE a Member inſiſting, 'That the the Words ſhould be, *That having been Impeached, and Moved to be Secured, had withdrawn himſelf:* Mr. Solicitor ſaid, 'The Word '*Moved* deſtroy'd the Bill it ſelf; the Word 'of the Bill was to Unite the Two Houſes, 'and this Amendment tended to deſtroy that 'End; for the Addition to the Preface be-'ing inſiſted on, the Lords would add the 'Reaſons for not Committing, and ſo revive 'the whole Matter again. Let the Lords 'add in their Books what they would, their 'Books would as much juſtifie them, as theirs 'the Lords.

'Mr. *VAUGHAN* would have no Que-'ſtion put upon theſe Words, but whether 'the Preface ſhould go as it was: The Bill 'in all probability was a ſafe Bill, becauſe it 'came from them: But if they begin an 'Alteration, they themſelves render'd it un-'ſafe; for if they put in theſe Words, then the Lords would add, *for want of Special Matter*, and ſo it would come to nothing.

THEN the Bill was read the Third time, when Mr. *Vaughan* declared, 'He was againſt 'the Word *Withdrawn*, and for the Word '*Flight* inſtead of it; and in regard the Juſtice 'of that Bill depends upon the Word (*Flight*,) 'he would have it put in expreſly.

SIR

1667. 'SIR *Robert Carr* was againſt the Bill, tho' 'he was as earneſt in the Matter as any 'one, while he thought there was Proof; 'but now none appearing, he was againſt 'the Bill, becauſe they were confirming 'what the Lords have done.

HERE Mr. *Vaughan* ſaid, 'Many Men 'wonder'd that no Reaſon was given for paſ-'ſing that Bill; but the Queſtion was miſta-'ken, the Bill was grounded upon his Flight 'after his Impeachment, and his flying im-'ply'd ſome Guilt; if none, it was the ſafeſt 'Argument for any Man to run away, and 'then there was nothing to catch him. A 'Proclamation to a Man out of the King-'dom ſignified nothing. But in the whole it 'was plain, that he ſaid, That finding the 'King's Juſtice obſtructed in Parliament, he 'was fled. Then raiſing an Objection, That 'it would be ſaid, upon bare Flight never 'was any Man puniſhed: He anſwered, That 'if one Man kill'd another and fled, tho' up-'on his Trial he ſhould be acquitted, yet he 'ſhould never recover his Goods becauſe of 'his Flight. That there had been ſeveral 'Acts of Baniſhment, *Spencer*, &c. And in this, 'there was ſomething more ſevere than in 'them; namely, That none ſhould Corre-'ſpond with him: Then there was ſome Ad-'vantage; namely, That if he came in by 'the firſt of *February*, all ſhould be void; 'but when the Crime was laid, and his Flight 'made him guilty, he ought not to have a 'Day: Having thus concluded the Debate, the Bill was paſs'd, tho' in a very thin Houſe; there being no more than 107 Members in all preſent, of whom 42 were againſt it.

I SHOULD have obſerved before, That my Lord *Clarendon*'s Addreſs, or Paper, to the Houſe of Lords, was printed in thoſe Days under the opprobrious Title of, *News from* Dunkirk-*Houſe*; *or*, Clarendon's *Farewell to* England; *in his Seditious Addreſs to the Right Honourable the Houſe of Peers, on the* 3*d of* December 1667. And that the ſame, purſuant to the Debate already given you, was on the 12th of the ſame Month, according to the Sentence and Judgment of both Houſes of Parliament, burnt by the Hands of the Common Hangman, in the Preſence of the Two Sheriffs of *London* and *Middleſex*, with great and ſignal Applauſe of the Populace. 1667.

THIS noble Piece was indeed made a Victim to the Malice and Ambition of ſome, and Miſinformation or the intemperate Zeal of others, of which, I do not doubt but many have ſince heartily repented, as being fully convinced of their Error.

HOWEVER, having not with this ſufficiently ſatiated their Revenge, they paſs'd the Bill already often mentioned, Entituled, *An Act for Baniſhing and Diſabling the Earl of* Clarendon; which had the Royal Aſſent by Commiſſion, on the 19th of *December*, without Scruple: All Mouths and Places were filled with bitter Invectives againſt him, as if he had been the vileſt and moſt wicked Man in the World; when it has yet no ways appear'd, that any One of the Articles aforementioned proved to be true in Fact, but rather quite the contrary. I ſhall not pretend to examine ſeverally into the Invalidity of them: The firſt is ſo far from being true, that,

1667. that that, or ſomething very like it, was the real Cauſe of the Earl's Diſgrace, as will appear by and by: As for his believing the King to be in his Heart a Papiſt, no Body knew him better than the Earl of *Clarendon*; the greateſt part of the Nation have ſince been of his Opinion: Nay, his own Son, the preſent Earl of *Rocheſter*, in a Speech of his about Two Years ago made in Parliament, ſaid, *He always thought him to be ſo.* As for the reſt of the Articles, they ſeem to be levelled in the ſeveral Particulars of them againſt the Earl for uſing indirect Means, and making too much haſte to be rich: Many, I believe, at that time, might think this to be in ſome Meaſure true; but when the Accounts came afterwards to be caſt up, nothing appear'd to be falſer under the Heavens; and there are but few who do not know, what Difficulties and Streights his Heir has undergone ever ſince through the Narrowneſs of his Fortunes; and never any One, that I can hear of, charg'd him with Extravagancy. The *Popiſh* Party have indeed ſufficiently railed at him, for the great Hand he had in the Settlement of *Ireland*; for which, the Proteſtants of that Kingdom are extreamly beholding to him to this Day. And I have ſeen a Pamphlet, pretended to have been printed at *Louvain* in 1668. the Year after the Earl's Diſgrace, and levelled chiefly againſt him, writ by an *Iriſh* Papiſt, ſo full of notorious Falſities about the *Iriſh* Rebellion and Maſſacre, that the many ſcandalous Invectives againſt the Earl can have no manner of Weight with any honeſt Man. As for the Sale of *Dunkirk*, in reſpect to which the Populace called the great Houſe he built in *Piccadilly*, by way of Raillery,

Dunkirk-

Dunkirk-Houſe: It was never alledg'd that I know of, that One Penny of the Purchaſe-Money ever came into his Pocket. It's well known, a great Part of it went to pay the Portion of the King's Siſter, the Princeſs *Henrietta Maria*, to the Duke of *Orleans*, and the reſt was but a Flea-bite, if we conſider the Profuſeneſs and Luxury of thoſe Times. What therefore ſhould induce the Earl to be more forward in the Sale of it than any Body elſe, has not yet appear'd to the World; and as I cannot think it conſiſted any Ways with his Intereſt, much leſs muſt it ſtill with his Policy, great Experience and Foreſight. 1667.

I Confeſs, I am gravelled with this knotty Affair: I know very well a late Author ſays, 'That he had it from a Perſon of Inte-'grity, tho' a Confident of the Earl of *Cla-'rendon*'s, That his Lordſhip was ſo far from 'concurring with the reſt of the Council in 'the Sale of that important Place, that he, 'and the Lord Treaſurer *Southampton*, were 'the only Two that oppoſed it; and when 'they found they could not carry their Point, 'had entred their Proteſtation in the Coun-'cil-Book againſt it.' But here give me leave, with a *Salvo Jure*, that it's no juſt Concluſion, That either the Lord Chancellor, or Lord Treaſurer, were for it, or the only Perſons for it, becauſe there was no ſuch Proteſtation againſt it: Yet I muſt take the freedom to aſſert the Truth in this reſpect, That no ſuch Proteſtation was ever Entred by them in the Council-Book, of which I have had a particular Inſpection; and ſo I muſt leave it undetermined.

EVERY Body flung Durt at him, and like Gudgeons greedily ſwallowed all that tended

1667. tended to his Diſreputation and Diſgrace, without ever inquiring into the Reaſons of them. Satyrical *Andrew Marvel*, in his Advice to the Painter, could not, among the reſt, forbear to have a Fling at him in theſe opprobrious Lines.

But Damn'd and doubly Damn'd be Clarendine,
Our Seventh Edward, *with all his Houſe and Line;*
Who, to divert the Dangers of the War,
With Briſtol, *hounds us on the* Hollander,
Fool-Coated Gownman! *Sells to fight with* Hans,
Dunkirk, *diſmantling* Scotland, *quarrels* France;
And hopes he now hath Buſineſs, Shape and Power,
T' out-laſt our Lives, or his, and 'ſcape the Tower;
And that he yet may ſee, ere he go down,
His dear Clarinda *circled in a Crown.*

BUT the true Cauſe of the noble Earl's Diſgrace, proceeded from none of theſe Suggeſtions.

I FIND by an Anonymous Pamphlet, which ſeverely reflects upon the Court Proceedings in thoſe Times, an Inſinuation, as if the Chancellor had loſt his Place for deſerting the *French* and *Popiſh* Intereſt; and that his Zeal for the Proteſtant Religion was ſuch, that ſometime before he was turn'd out, he refuſed to Seal a new Commiſſion for the Duke of *York*, to evade a late Act made againſt Popery.

THERE might be ſome Truth in all likelihood in this: It's well known his Lordſhip was a zealous Proteſtant, and that our Court might be ſomewhat *Popiſhly* affected, even at that Time. But,

* * * Ex-

——————Extempore verum
Naſcitur, & veniens ætas abſcondita pandit.

Doctor *Welwood*, in his Memoirs, after having premiſed that it looked as if Heaven took a more than ordinary Care of *England*, that we did not throw up our Liberties all at once upon the *Reſtoration* of King *Charles* II. For though ſome were for bringing him back upon *Terms*; yet after he was once come, he poſſeſs'd ſo entirely the Hearts of his People, that they thought nothing was too much for them to grant, or for him to receive. He tells us, among other Deſigns, that, to pleaſe him, there was one form'd at *Court*, to ſettle ſuch a *Revenue* upon him by Parliament, during Life, as ſhould place him beyond the Neceſſity of asking more, except in the Caſe of a War, or ſome ſuch extraordinary Occaſion. That the Earl of *Southampton*, Lord High Treaſurer, came heartily into it, out of a meer Principle of Honour and Affection to the King; but that Chancellor *Clarendon* ſecretly oppos'd it. That it happen'd, that they Two had a private Conference about the Matter; and the Chancellor being earneſt to bring the Treaſurer to his Opinion, took the freedom to tell him, That he was better acquainted with the King's Temper and Inclinations, than *Southampton* could reaſonably expect to be, having had long and intimate Acquaintance with his Majeſty abroad; and that he knew him ſo well, that if ſuch a Revenue was once ſettled upon him for Life, *neither of them Two would be of any farther uſe; and that they were not in probability to ſee many more Seſſions of Parliament during that Reign.*

That

1667. That *Southampton* was brought over; but that this Paſſage could not be kept ſo Secret, but it came to King *Charles* his Ears; which, together with other Things, wherein *Clarendon* was miſrepreſented to him, prov'd the true Reaſon why he abandon'd him to his Enemies.

BUT after all that has been ſaid in Vindication of this great Man, to ſuppoſe him altogether Faultleſs, were to Place him beyond the Level of frail Mortality before his Time, and within the Choir of Seraphick Spirits above: And it muſt be admitted for an unconteſted Truth, That he carried himſelf in his Station with ſomewhat a greater Reſerve and Haughtineſs than became him, or was uſeful to him, which neceſſarily muſt create him Enemies; there being nothing on the Earth ſo diſagreeable to human Nature, as Neglect and Contempt: And there is Story *à Propos* enough to this, of old *William Lenthal*, who had been ſo long Speaker; which, whether true or falſe, the Moral is good. My Lord Chancellor *Clarendon*, ſome time after the Reſtoration of the King, going down to his Seat of *Cornbury* in *Oxfordſhire*, all the Gentry round the Country flocked thither to pay their Reſpects to his Lordſhip; amongſt the reſt, Mr. *Lenthal*, coming pretty late into the Hall, and obſerving the Company ſcornfully ſmiling at him all along as he paſſed up to the Chancellor; after he had made his Compliment, with a handſom Addreſs enough, he told his Lordſhip, That he had obſerved the Gentlemen there preſent Smile and Fleer to ſee him come to attend his Lordſhip; then looking round, added, 'My Lord, Pray obſerve theſe

'very Gentlemen here present, that come to 1667.
'now to pay their Respects to your Lordship,
'have done the very same to me before. A
just Reprimand to the Gentlemen, and a prudent Caution to the Chancellor, to be on the Guard, lest it might come to his Turn to be as much Despised, as he was then Honour'd and Caress'd by them, which indeed his hasty Fate brought on apace upon him.

THE Earl of *Clarendon* was succeeded in the Custody of the Great Seal by Sir *Orlando Bridgman*, with the Title of Lord Keeper: And as for the Chancellorship of the University of *Oxford*, he resigned it by his Letter, bearing Date at *Calais*, *Dec.* 7. 1667. which being read in Convocation the 20th of the same Month, Dr. *Gilbert Sheldon*, Archbishop of *Canterbury*, was then elected into his Place.

SOON after the Earl's Disgrace and Exile, 'tis certain that Popery began to appear more bare-faced in *England*, and to receive a more favourable Countenance from the Court.

IT's not to be doubted, but his Lordship knew that the Duke of *York* had been a long time Popishly affected; a Hint or Inuendo of it he seems to give us in his History; and therefore when he heard the certain, but dismal, News of his Daughter the Dutchess of *York*'s having embraced the *Roman* Catholick Religion, he very artfully wrote to his Royal Highness about it, as if he had been still a sincere Protestant; and his Letter is so justly and judiciously penn'd, that it cannot but Merit a Place here, and be an Ornament to his Life.

1668.

SIR,

'I HAVE not presumed in any manner to approach your Royal Presence since I have been marked with the Brand of Banishment: And I would still with the same Awe forbear this Presumption, if I did not believe my self bound by all the Obligations of Duty to make this Address to you. I have been too much acquainted with the Presumption and Impudence of the Times, in raising false and scandalous Reproaches upon Innocent and Worthy Persons of all Qualities and Degrees, to give Credit to those bold Whispers which have been too long scattered abroad concerning your Wife's being shaken in her Religion: But when those Whispers break out into Noise, and publick Persons begin to report that the Dutchess is become a *Roman* Catholick; When I heard that many worthy Persons of unquestionable Devotion to your R. H. are not without some Fear and Apprehension of it; and many Reflections are made from thence to the Prejudice of your Royal Person, and even of the King's Majesties: I hope it may not misbecome me, at what Distance soever, to cast my self at your Feet, and beseech you to look to this Matter in time, and to apply some Antidote to expel the Poison of it. It is not possible your R. H. can be without Zeal and intire Devotion for that Church, for the Purity and Preservation whereof your Blessed Father made himself a Sacrifice; and to the Restoration whereof you have contributed so much your self, and which highly deserves the King's Protection and yours, since

since there can be no possible Defection in 1668.
'the Hearts of the People, whilst due Re-
'verence is made to the Church. Your Wife
'is so generally believed to have so perfect
'Duty, and intire Resignation to the Will
'of your H. that any Defection in her from
'her Religion, will be imputed to want of
'Circumspection in you, and not using your
'Authority, or to your Connivance. I
'need not tell the ill Consequence that such
'a Mutation would be attended with, in re-
'ference to your R. H. and even to the King
'himself, whose greatest Security (under
'God) is in the Affection and Duty of his Pro-
'testant Subjects. Your R. H. well knows
'how far I have always been from wishing
'that the *Roman* Catholicks should be pro-
'secuted with Severity; but I less wish it
'should ever be in their Power to be able to
'prosecute those who differ from them,
'since we well know how little Moderation
'they would or could use.

'AND if this, which People so much talk
'of, (I hope without Ground) should fall
'out, it might very probably raise a greater
'Storm against the *Roman* Catholicks in ge-
'neral, than modest Men can wish; since,
'after such a Breach, any Jealousie of their
'Presumption would seem reasonable. I
'have written to the Dutchess with the Free-
'dom and Affection of a troubled and per-
'plex'd Father. I do most humbly beseech
'your R. H. by your Authority, to rescue
'her from bringing a Mischief upon you and
'her self, that can never be repaired; and
'to think it worthy your Wisdom to remove
'and dispel those Reproaches (how false so-
'ever) by better Evidence than Contempt;

1668. 'and hope you do believe, that no Severity I 'have or can undergo, shall in any degree 'lessen or diminish my most profound Duty 'to his Majesty, or your Royal Highness, but 'that I do with all imaginable Obedience 'submit to your good Pleasure in all Things.

God preserve your Royal Highness,
and keep me in your Favour,

SIR,

Your Royal Highness's most humble
and obedient Servant,

CLARENDON.

IF this Letter of his to the Duke is an Imbellishment to his Life, that to the Dutchess his Daughter, upon so solemn and weighty an Occasion, cannot be less, but indeed appears to be more so; wherein, tho' he shews a very commendable Distance and Respect upon account of the Difference of their Conditions, yet he uses the Freedom and Authority, as well as the Tenderness of a Father, and shews the Skill and Knowledge he had in Polemical Divinity, and the Artifices of the Church of *Rome*; but let us not anticipate the Letter it self, which ran in the excellent Strain here following.

'YOU have much Reason to believe that 'I have no Mind to Trouble you, or 'displease you, especially in an Argument 'that is so unpleasant and grievous to my 'self; but as no distance of Place that is be-'tween us, in respect of our Residence, or 'the greater Distance in respect of the high

Condition you are in, can make me leſs your Father, or abſolve me from performing thoſe Obligations which that Relation requires from me: So when I receive any credible Advertiſement of what reflects upon you, in Point of Honour, Conſcience, or Diſcretion, I ought not to omit the informing you of it, or adminiſtring ſuch Advice to you, as to my Underſtanding ſeems reaſonable, and which I muſt ſtill hope will have ſome Credit with you: I will confeſs to you, that what you wrote to me many Months ſince, upon thoſe Reproaches which I told you were generally reported concerning your Defection in Religion, gave me ſo much Satisfaction, that I believed them to proceed from that ill Spirit of the Time that delights in Slanders and Calumny: But I muſt tell you, the ſame Report increaſes of late very much, and I my ſelf ſaw a Letter the laſt Week from *Paris*, from a Perſon who ſaid the *Engliſh* Ambaſſador aſſured him the Day before, that the Dutcheſs was become a *Roman* Catholick; and which makes greater Impreſſion upon me, I am aſſured that many good Men in *England*, who have great Affection for you and me, and who have thought nothing more impoſſible, than that there ſhould be ſuch a Change in you, are at preſent under much Affliction, with the Obſervation of a great Change in your courſe of Life, and that conſtant Exerciſe of that Devotion which was ſo notorious; and do apprehend from your frequent Diſcourſes, that you have not the ſame Reverence and Veneration which you uſed to have for the Church of *England*, the Church in which you were

1668.

1668. 'Baptized, and the Church the beſt conſti-
'tuted, and the moſt free from Errors of any
'Chriſtian Church this Day in the World;
'and that ſome Perſons, by their Inſinuations,
'have prevailed with you to have a better
'Opinion of that which is moſt oppoſite to
'it, the Church of *Rome*, than the Integrity
'thereof deſerves. It is not yet in my
'Power to believe that your Wit and Under-
'ſtanding (with God's Bleſſing upon both)
'can ſuffer you to be ſhaken further than
'with Melancholick Reflections upon the
'Iniquity and Wickedneſs of the Age we live
'in, which diſcredits all Religion, and which
'with equal Licence breaks into the Profeſ-
'ſors of all, and prevails upon the Members
'of all Churches, and whoſe Manners will
'have no Benefit from the Faith of any Church.

'I PRESUME you do not intangle
'your ſelf in the particular Controverſies
'between the *Romaniſts* and us, or think your
'ſelf a competent Judge of all Difficulties
'which occur therein; and therefore it muſt
'be ſome fallacious Argument of Antiquity
'and Univerſality confidently urged by Men,
'who know leſs than many of thoſe you are
'acquainted with, and ought leſs to be be-
'lieved by you, that can raiſe any Doubts
'or Scruples in you; and if you will with
'equal Temper hear thoſe who are well a-
'ble to inform you in all ſuch Particulars, it
'is not poſſible for you to ſuck in that Poiſon
'which can only corrupt and prevail over
'you, by ſtopping your own Ears, and ſhut-
'ting your own Eyes. There are but Two
'Perſons in the World who have greater
'Authority with you than I can pretend to,
'and I am ſure they both ſuffer more in this

'Ru-

Rumour, and would ſuffer much more, if there were Ground for it, than I can do; and truly I am as unlikely to be deceived my ſelf, or to deceive you, as any Man who endeavours to pervert you in your Religion: And therefore, I beſeech you let me have ſo much Credit with you, as to perſuade you to communicate any Doubts or Scruples which occur to you, before you ſuffer them to make too deep an Impreſſion upon you. The common Argument, that there is no Salvation out of the Church, and that the Church of *Rome* is that only true Church, is both irrational and untrue; there are many Churches in which Salvation may be attained, as well as in any one of them; And were many even in the Apoſtle's Time, otherwiſe they would not have directed their Epiſtles to ſo many ſeveral Churches, in which there were different Opinions received, and very different Doctrines taught. There is indeed but one Faith in which we can be ſaved, the ſtedfaſt Belief of the Birth, Paſſion and Reſurrection of our Saviour; and every Church that receives and imbraces that Faith, is in a ſtate of Salvation; if the Apoſtles preach'd true Doctrine, the Reception and Retention of many Errors does not deſtroy the Eſſence of a Church; if it did, the Church of *Rome* would be in as ill, if not in a worſe Condition, than moſt other Chriſtian Churches, becauſe its Errors are of a greater Magnitude, and more deſtructive to Religion. Let not the canting Diſcourſe of the Univerſality and Extent of that Church, which has as little of Truth as the reſt, prevail over you; they 1668.

1668. "who will imitate the greateſt part of the "World, muſt turn Heathens, for it is gene-"rally believed, that above half the World is "poſſeſſed by them, and that the *Mahome-*"*tans* poſſeſs more than half the Remainder: "There is as little Queſtion, that of the reſt "which is inhabited by Chriſtians, one Part "of four is not of the Communion of the "Church of *Rome*, and God knows in that "very Communion there is as great Diſcord "in Opinion, and in Matters of as great "Moment, as is between the other Chri-"ſtians.

"I HEAR you do in publick Diſcourſes "diſlike ſome Things in the Church of *Eng-*"*land*, as the Marriage of the Clergy, which "is a Point that no *Roman Catholick* will pre-"tend to be of the Eſſence of Religion, and "is in uſe in many Places which are of the "Communion of the Church of *Rome*; as "in *Bohemia*, and thoſe Parts of the *Greek* "Church which ſubmit to the *Roman*: And "all Men know, that in the late Council of "*Trent*, the Sacrament of both Kinds, and "Liberty of the Clergy to Marry, was very "paſſionately preſs'd, both by the Emperor "and King of *France*, for their Dominions; "and it was afterwards granted to *Germany*, "though under ſuch Conditions as made it "ineffectual: Which however ſhews, that it is "not, nor ever can be, look'd upon as Matter "of Religion. Chriſtianity was many Hun-"dred Years old, before ſuch a Reſtraint was "ever heard of in the Church; and when it "was endeavoured, it met with great Oppo-"ſition, and was never ſubmitted to. And "as the poſitive Inhibition ſeems abſolutely "unlawful, ſo the Inconveniences which re-"ſult

1668.

'ſult from thence, will upon a juſt Diſquiſi-
'tion be found ſuperior to thoſe which at-
'tend the Liberty which Chriſtian Religion
'permits. Thoſe Arguments which are not
'ſtrong enough to draw Perſons from the
'*Roman* Communion into that of the Church
'of *England*, when Cuſtom and Education,
'and a long ſtupid Reſignation of all their
'Faculties to their Teachers, uſually ſhuts
'out all Reaſon to the contrary, may yet be
'abundant to retain thoſe who have been
'baptized, and Bred and Inſtructed in the
'Grounds and Principles of that Religion,
'which are in Truth not only founded upon
'the clear Authority of the Scriptures, but
'upon the Conſent of Antiquity, and the Pra-
'ctice of the Primitive Church; and Men,
'who look into Antiquity, know well by
'what Corruption and Violence, and with
'what conſtant and continual Oppoſition
'thoſe Opinions, which are contrary to ours,
'crept into the World; and how unwarran-
'tably the Authority of the Biſhop of *Rome*,
'which alone ſupports all the reſt, came to
'prevail, who hath no more Pretence of Au-
'thority and Power in *England*, than the Bi-
'ſhop of *Paris* or *Toledo* can as reaſonably lay
'claim to; and is ſo far from being Matter
'of Catholick Religion, that the Pope hath
'ſo much, and no more, to do in *France*
'or *Spain*, or any other Catholick Domi-
'nion, than the Crown, and Laws and Con-
'ſtitutions, of ſeveral Kingdoms gave him
'Leave; which makes him ſo little (if
'at all) conſidered in *France*, and ſo much
'in *Spain*: And therefore the *Engliſh* Catho-
'licks, which attribute ſo much to him,
'make themſelves very unwarrantably of ano-
'ther

1668. ther Religion than the Catholick Church profeſſeth; and, without doubt, they who deſert the Church of *England*, of which they are Members, and become thereby diſobedient to the Eccleſiaſtical and Civil Laws of their Country, and therein renounce their Subjection to the State, as well as to the Church, (which are grievous Sins) had need have a better Excuſe than the meeting with ſome Doubts which they could not anſwer; and leſs than a manifeſt Evidence, that their Salvation is deſperate in that Communion, cannot ſerve their Turn: And they who imagine they have ſuch an Evidence, ought rather to ſuſpect that their Underſtanding hath forſaken them, and that they are become mad, than that the Church, which is repleniſhed with all Learning and Piety requiſite, can betray them to Perdition. I beſeech you to conſider, (which I hope will over-rule thoſe ordinary Doubts and Objections which may be infuſed into you) that if you change your Religion, you renounce all Obedience and Affection to your Father, who loves you ſo tenderly, that ſuch an odious Mutation would break his Heart. You condemn your Father and your Mother (whoſe incomparable Virtue and Piety, and Devotion, hath placed her in Heaven) for having impiouſly educated you; and you declare the Church and State, to both which you owe Reverence and Subjection, to be in your Judgment Antichriſtian. You bring irreparable Diſhonour, Scandal and Prejudice, to the Duke your Husband; to whom you ought to pay all imaginable Duty, and whom, I preſume, is much more precious

to

'to you than your own Life; and all poſſi- 1668.
'ble Ruin to your Children, of whoſe Com-
'pany and Converſation you muſt look to
'be deprived; for God forbid, that after
'ſuch an Apoſtacy you ſhould have any
'Power in the Education of your Children.
'You have many Enemies, whom you would
'herein abundantly gratify; and ſome Friends,
'whom you will thereby (at leaſt as far as
'in you lies) perfectly deſtroy; and afflict
'many others who have deſerved well of you.

'I KNOW you are not inclined to any
'part of this Miſchief, and therefore offer
'thoſe Conſiderations, as all thoſe Particulars
'would be the infallible Conſequence of ſuch
'a Concluſion. It is to me the ſaddeſt Cir-
'cumſtance of my Baniſhment, that I may
'not be admitted, in ſuch a Seaſon as this,
'to confer with you; when I am confident
'I could ſatisfy you in all your Doubts, and
'make it appear to you, that there are many
'Abſurdities in the *Roman* Religion incon-
'ſiſtent with your Judgment and Underſtan-
'ding, and many Impieties inconſiſtent with
'your Conſcience; ſo that before you can
'ſubmit to the Obligations of Faith, you muſt
'diveſt your ſelf of your natural Reaſon and
'common Senſe, and captivate the Dictates
'of your own Conſcience, to the Impoſi-
'tions of an Authority which hath not any
'Pretence to oblige or adviſe you. If you
'will not with Freedom communicate the
'Doubts which occur to you, to thoſe near
'you, of whoſe Learning and Piety you
'have had much Experience, let me conjure
'you to impart them to me, and to expect
'my Anſwer, before you ſuffer them to pre-
'vail over you, *God bleſs you and yours.*

I KNOW

1674 I KNOW not whether the Duke and Dutchess of *York* after this ever corresponded with the Earl: It's likely they did not; but before they certainly did, and sent Messengers on purpose to him, not with Letters, but Instructions and Intelligences by Word of Mouth only, for fear of Discovery; and the Persons entrusted by them and him, after they had received them, were obliged to repeat the Words over before their Departure in their Presence, that they might be sure they exactly retained them. He remained an Exile in *France* this second time Seven long Years, till Death, by the terrible Distemper of the Gout, set him at liberty from the Cares and Anxieties of this transitory Life; but of this by and by.

IT was the Fate of this great Man, not only to be ill spoken of, and barbarously traduced, in his Life-time, but even after Death, and that not alone by the Populace, who run away with vulgar Notions and Errors, and are fond Lovers of Defamation, but even in the Parliament it self some Years after; for in that held at *Westminster* in 1680. his Memory was severely reflected on for making up the Match for the King, as if he had done it because he foresaw the Queen would have no Children. The Ridiculousness of this Notion has been somewhat exploded before. I shall only now take notice of the Piety of his Son, Mr. *Laurence Hide*, then a Member of the House of Commons, since Earl of *Rochester*, upon this Occasion, who said, *That he hoped they would pardon him, if, to comply with the Obligations of Nature, he declared himself much*

much concerned to see the Ashes of his dear Father thus raked out of the Dust, and to hear his Memory blasted by an Affirmation that could not be proved; because he was confident he was not guilty: That he and his Family had suffered enough by his Misfortunes, occasioned by dark Interests and Intrigues of State, that many thought he was severely chastised while living: That he was sorry to see that some others could not spare him, though dead; but that, for his Comfort, he had heard that he was a good Protestant, a good Chancellor; and that we had had worse Ministers since. 1674.

AND since I have made an Excursion thus far, it will not be improper further to observe in this Place a very generous Act in the University of *Oxford*, in Vindication of the Earl's Memory, who had once been their Chancellor; for Mr. *Anthony A-Wood*, one of their Members, having in some Places of his Book branded him with Corruption, and the like ill Practices, while Chancellor and Minister of State, they made the following Order against him, which was publickly printed.

'ON the 29th of *July*, 1693. Mr. *Anthony A-Wood* was condemned in the Chancellor's Court of the University of *Oxford*, for having written and published in the Second Volume of his Book, Entituled, *Athenæ Oxonienses*, divers infamous Libels against the Earl of *Clarendon*, and was therefore banished the said University, until such time as he should subscribe such a publick Recantation as the Judge of the Court should approve of, and give Security not to offend in the like Nature for the future; and 1693.

1693. 'and his ſaid Book was alſo decreed to be 'burnt before the publick Theater; and the 'ſame Day was burnt accordingly, and pub-'lick Programma's of his Expulſion were 'fixed in the three uſual Places.

BUT though 'tis ſaid here, That his Book was burnt; It muſt not be underſtood, that all of it was committed to the Flames, but only a few Sheets wherein Reflections were made upon his Lordſhip.

1674. THE Earl of *Clarendon*, in the Time of his Exile, ſojourned in ſeveral Places in *France* till the Year 1674. where, on the 7th Day of *December*, he paid his Debt to Nature near the City of *Roan*, the Capital of the Province of *Normandy*, from whence his Body was conveyed into *England*, and buried on the North Side of *Capella Regum* in St. *Peter*'s, commonly called the Abbey-Church in *Weſtminſter*. His Character ſhall not be attempted here: It may be eaſily gathered from his Life. But if any have a Mind to read what Sir *Philip Warwick* in his Memoirs has recorded of it, his Words are theſe: 'That 'about the Time he betook himſelf to the 'Court-Intereſt, which was in 1641. he was 'one of the new Triumvirate, the Lord '*Faulkland* and Sir *John Colepepper* being the 'other Two: That he was of a chearful and 'agreeable Converſation; of an extraordi-'nary Induſtry and Activity; and of a great 'Confidence, which made him ſoon at Home 'at Court: That his natural Parts were very 'forward and ſound; his Learning was very 'good and competent: And that he had a 'Facility both of Tongue and Pen, which 'made him to be willingly hearkened to, and

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much approved; and that having ſpent much of his Studies in the Law, it made his Diſcourſe and Writings the more ſignificant, and his Language and Stile were very ſuitable to Buſineſs, if not over redundant; inſomuch that it was ſuppoſed there was a Concurrence of the others Two Judgments: That it was his Pen that was moſt made uſe of; and that thence it was the King's Propoſitions, Meſſages, Replies, and Declarations, ſo well ſuited with the Rules of the Houſe, and the Subject Matters treated of, and found ſo much the better Acceptance with the World, than thoſe of the Houſe of Commons, which for a time was very advantagious to His Majeſty's Service, ſince it drew the Curtain, and expoſed the Deceitfulneſs and unwarrantable Deſigns of the Contrivers in Parliament, and the Reaſonableneſs of His Majeſty's Propoſitions. But then he ſubjoins, That he remembred the Expreſſions of a wiſe Lord, who had Influence on them all, That their Wit and Elegancy, as it was very delightful, ſo it would not remain long uſeful, ſince Conteſts between the King and his Two Houſes of Parliament could not be ſeparated from ill Conſequences and Preſſures upon the reſt of the Subjects in general, in their common Courſe of Life; and that would rather beget a Forwarneſs in Men to ſee ſuch Things treated of with Elegancy and Irony, than any Delight or Complaiſance; and therefore he was wont to ſay, *Our good Pen will injure us.* 1674.

BESIDES Letters, Speeches, *&c.* of his that are extant, he wrote ſeveral Tracts; As,

A FULL

1674. *A FULL Answer to an infamous and traiterous Libel, Entituled,* A Declaration of the Commons of *England* in Parliament assembled, expressing their Reasons and Grounds of passing their late Resolutions touching no further Address or Application to be made to the King. *Lond.* 1648. 4°.

THE Difference and Disparity between the Estates and Conditions of George *Duke of* Buckingham *and* Robert *Earl of* Essex. See in *Reliquæ Wottonianæ, &c. Lond.* 1672. 8°.

ANIMADVERSIONS on a Book, Entituled, Fanaticism fanatically imputed to the Catholick Church, by Dr. *Stillingfleet*, and the Imputation refuted and retorted by *Sir. Cressy. Lond.* 1674. 8°.

A BRIEF View and Survey of the dangerous and pernicious Errors to Church and State, in Mr. Hobbs's *Book,* The Leviathan. *Oxon.* 1676. 4°.

THE History of the Rebellion and Civil Wars in England, *begun in the Year* 1641. *with the precedent Passages and Actions that contributed thereunto, and the happy End and Conclusion thereof, by the King's blessed Restoration and Return upon the* 29th *of* May, 1660. 3 Vol. Fol. and since in 8°.

H Eleft in Manuscript, *A History, or Historical Account of* Ireland, *made use of by* Edmund Borlace, *without Acknowledgment, in his Book or Books published of the Affairs of that Kingdom.*

FINIS.

THE LIVES OF THE *Lords Chancellors*, AND *Lords Keepers* OF THE *Great Seal* of *ENGLAND*; FROM *William* the Conqueror to this Preſent Time.

IT being altogether Foreign to this Deſign to enter upon a Diſquiſition of the *Norman* Invaſion, and what thoſe Terms were upon which *William* was received to be King of *England*: The Firſt Chancellor we find he had was named *Maurice*, who was 1067.

Chaplain to that Prince before he was preferred to this Office, and in the Year 1087 was made Biſhop of *London:* How he demeaned himſelf in his Office of Chancellor does not at all appear upon Record; but his Character otherwiſe was none of the beſt. However, his Memory ought to remain to Poſterity, upon the Account of his Generous Endeavours to Rebuild St. *Paul*'s. For the greateſt Part of the City of *London* hapning to be conſumed by Fire in 1086, and that Cathedral in a manner wholly deſtroyed thereby, he laid ſuch a new and large Foundation of it, that indeed no Body could ever think would be perfected: The King gave him the Ruins of a large adjoining Tower, and ſome Lands in other Places, to help on the Work; all which, and notwithſtanding his utmoſt Applications otherways, for the ſpace of Twenty Years together, ſeemed very little to forward ſo great a Work: He died *September* 26, 1107, after he had lived ro ſee Eight or Nine Chancellors ſince he had quitted the Place.

THE next Chancellor King *William* had, was *Oſmund*, (but when advanced is uncertain;) *Malmesbury* gives him a very good Character; he was a *Norman* by Birth, and coming with *William* into *England*, he made him Earl of *Dorſet*, in time Biſhop of *Salisbury*, and was one of thoſe with whom he very much conſulted about his moſt Arduous and Secret Affairs. He was a Man of ſome Learning, as the Times went, and among other things, beſides the Life of St. *Aldem*, firſt Biſhop of *Sherborn*, he was the firſt Author of the Service for the Church of *Salisbury*, ſince called *Secundum uſum Sarum*.

ARFAST,

ARFAST, Biſhop of *Helmſtadt*, in *Germany*, was preferred to the Chancellorſhip in 1073, as appears by the Charter of *William* I. to the Dean and Chapter of St. *Martin*; and *Balrick*, according to the ſame King's Charter, to the Monks of St. *Florence*, was his Succeſſor in that Office. *Herman*, Biſhop of *Sherborn*, was the next Chancellor: *William Welſon*, the King's Chaplain, ſucceeded him, and *William Giffard*, Biſhop of *Wincheſter*, happened to be the laſt Chancellor in this King's Reign, but there is no Date when any of them came in: It looks as if this Perſon held that Office ſome part of the Reign of *William Rufus*; we find him alſo after ſome Years Interval in Poſſeſſion of this Dignity in the Reign of *Henry* I. But King *Henry* I. taking upon him, according to the Example of ſome other Princes, to confer the Inveſtiture of *Biſhopricks* by a Ring and Staff, without any Election made by the Chapter, *Giffard* renounced his Biſhoprick becauſe Archbiſhop *Anſelm* would not Conſecrate him; ſo that the King Baniſh'd him: But the Matter, after Ten Years Space, being accommodated, he was Conſecrated with Six more in 1107. This Biſhop erected a Convent for *Ciſtertian* Monks at *Waverley*, and another for Nuns at *Taunton*; the Revenue of which laſt, when put down, was 174 *l.* 8 *s.* and 3 *d.* the other amounted to about 438 *l.* He Built a large Palace in *Southward*, near *London-Bridge*, where the Biſhops of *Wincheſter*, when they came to *London*, reſided; he alſo gave a great deal of Money towards the Building of the Monaſtery of St. *Mary*, near the ſame Houſe for Canons Regular: He died *July* 21ſt, 1128, and was buried at *Wincheſter*. 1073.

1087. THE only Chancellor mentioned to have been in the Reign of *William Rufus*, is *Robert*, Sirnamed *Bloet*, who came in about 1088, about a Year after *Rufus* was King, and was afterwards Biſhop of *Lincoln*: It's ſaid that the King, in a fit of Sickneſs, having a Remorſe of Conſcience upon him that he had made Sale of the Dignities of the Church, and as a Teſtimony of his Repentance, conferring forthwith the Archbiſhoprick of *Canterbury* upon *Anſelm*, and the Biſhoprick of *Lincoln* upon *Bloet*, he no ſooner recovered than that he excited the Archbiſhop of *York* againſt *Bloet*, which created him much Trouble, and he was forced to give the King a great deal of Money to remain unmoleſted: Some have characterized him to be a Handſome Perſon, of a Serene Mind, and a Well-ſpoken Man, while others make him to be very Ignorant, and of ill Morals: *Bale* ſays he had a Baſtard Son, named *Simon*, whom he made Dean of *Lincoln*: It ſeems he was in good Favour with his Prince, after he had attoned his Diſpleaſure with the Money he gave him: For as he was talking to the King, Riding together to *Woodſtock*, he was taken with an Apoplectick Fit, fell from his Horſe, and being carried to his Chamber, preſently died, *January* the 10th, 1122.

1100. WE have already mentioned *Giffard*, Biſhop of *Wincheſter*'s, being for ſome time Chancellor in the Reign of *Henry* I. who came to the Crown *Anno* 1100: The next we meet with, tho' we cannot with the Year, is *Roger*, afterwards made Biſhop of *Sarum*. There is a Story that *Henry* I. being in his Brother *William*'s Service in *Normandy*, and happning to go

go with his Fellow Soldiers to Church in the Suburbs of *Caen*, *Roger*, who was the Incumbent, knowing Soldiers generally did not much care for long Prayers, quickly diſpatch'd the Service, with which they were all ſo well pleaſed, that the Prince jokingly bid him follow his Camp, which he did; and this was the firſt Step to his Preferment: For by his flattering Nature, and Dexterity in managing Buſineſs, he arrived at the higheſt Preferments, and Governed the Kingdom in *Henry*'s Abſence in *Normandy* ſometimes for Three or Four Years together: When the King had loſt his only Son by Shipwreck, and had only his Daughter *Maud* left, *Roger* was very Inſtrumental in bringing the Grandees of the Realm to ſwear Fealty to her, as Heir to her Father. But *Maud* being abſent in *Normandy* at the time of her Father's Death, *Roger* had Intereſt as well as Perfidy enough to bring the great Men over to *Stephen*'s Intereſt, and to place him on the Throne; and this Prince, to ingratiate himſelf with them, granted Liberty they ſhould Build Caſtles for themſelves as they pleaſed: Among whom *Roger*, beſides others, having Erected a very ſtrong and ſumptuous one at the *Devizes*, his Power and Greatneſs by Degrees contracted him Envy; and the King having thought fit to Convene a Council at *Oxford*, wherein he, as well as the reſt of the Biſhops, were required to be Preſent, he ſcrupled going thither. This occaſioning a greater Cauſe of Jealouſie in the King, he took his Natural Son *Roger*, and threatned to hang him before the Walls of the Caſtle, in his Father, the Biſhop's, Sight, without he gave up his Caſtle of *Devizes* out of Hand, and ſubmitted to *Stephen*, which he did at laſt; and falling ſoon into a

Quartan Ague, he died on the 4th of *Decem.* 1139, being indeed a Man of great Parts, but very little Learning.

THE next Chancellor to *Roger* was *Geofrey*, Sirnamed *Rufus*, advanced afterwards to the Biſhoprick of *Durham*; he is ſaid to have Built the Caſtle of *Alverton*, and to have beſtowed it upon his Nephew, (perhaps Son,) who Married a certain Niece of the Earl of *Albemarle*. This *Geoffrey* ſeems to have been Twice Chancellor in the Reign of *Henry* I. *Randulphus* having acted for ſome Interval of time as ſuch, according to the Teſtimony of *Huntington* and others, unleſs we will allow the Sirname of *Geoffrey* to be *Randulph*.

1135. THE firſt Chancellor we meet with in King *Stephen*'s Reign, who came to the Crown in 1135, was *Alexander*, Biſhop of *Lincoln*, who was a *Norman* by Birth; and being the Nephew of *Roger*, Biſhop of *Salisbury*, before mentioned, he took care to get him ſuch Eccleſiaſtical and Civil Preferments as he thought fit: He Rebuilt the Cathedral of *Lincoln*, after it had been conſumed by Fire, and augmented the Number of the Prebendaries, annexing ſome Lands to the ſame. He alſo Built Three Caſtles, *viz.* at *Banburg*, *Sleford*, and *Newark*, beſides Two or Three Convents: He was confined for ſome Months, after he had given up his Caſtle of *Newark* to King *Stephen*, but at laſt got his Liberty, and wholly applied himſelf to the Adminiſtration and Beautifying of his Church: He went Twice to *Rome*, *viz.* in 1142, and 1144, where he behaved himſelf ſo well as to pleaſe both the King and the Pope,

Pope, which laſt appointed him at his firſt Journey his Legate to convene a Synod, wherein he made ſome Canons that were very uſeful for repreſſing the Enormities of thoſe Times: He made a Third Journey to the Pope, then in *France*; where, in the Month of *Auguſt*, of the Year 1147, growing Sick with the Heat of the Country, he returned Home, and died, after he had been Biſhop Four and Twenty Years. *Henry* of *Huntington* calls him *Flos & Cacumen Regni & Regis.*

HAVING already mentioned *Roger*, the great Biſhop of *Salisbury*, and this Perſon having a Natural Son of his own Name, but with the Sirname of *Pauper*, the Father's Intereſt was one while ſo very great with King *Stephen*, that he got him made Chancellor, but he held not that Office long: For ſiding with his Father and others who held out their Caſtles againſt the King, he was made a Priſoner; from which Confinement he might have been delivered if he would have taken the King's Part, which he conſtantly refuſed: However, having at laſt, as a ſingular Favour, and after many Intreaties, got this Puniſhment to be turn'd into Baniſhment, I know not whither or no he died in Exile.

WHO *Philip*, the Succeſſor of *Roger* in the Chancellorſhip, was, is too knotty a Matter to determine; he came to the Seal in the 18th of *Henry* I. *Anno* 1153, and having held the Place, it's likely till the 3d of *Henry* II. *Thomas a Becket*, then Archdeacon of *Canterbury*, had the Office of Chancellor conferred upon him: He was Born at *London*, and ſtudied at the Univerſity of *Paris*, and at his Return into *England*, *Theobald*, Archbiſhop of *Canterbury*, made him his Archdeacon. *Henry* the Second 1153. 1157.

ſucceeding King *Stephen*, ſoon preferred him to be Lord Chancellor of *England*, as aforeſaid, in which Honour he carried himſelf very high in his Retinue, Houſe-keeping, Furniture, *&c.* He ſerved King *Henry* in *France* with a Body of Men, whereof Seven Hundred were of his own Family, with whom he did good Service: But being raiſed to the See of *Canterbury*, he ſided with the Pope, and begun the great Controverſie between *Regnum* and *Sacerdotium*, the Crown and the Mitre, becauſe the King would have the Clergy Tried in his Temporal Courts for Cauſes Criminal. This Affront of a Subject, raiſed by the King's Favour, could not be digeſted by a Prince ſo jealous of his Prerogative as King *Henry* was; therefore having drawn moſt of the Biſhops to ſide with him, he called an Aſſembly of their whole Body at *Weſtminſter*, wherein he offer'd Six Articles in Defence of the Prerogative againſt the Papal Encroachments, which he urged *Becket* to aſſent to: He refuſing, was at laſt by the Importunities of ſeveral Lords, both Spiritual and Temporal, prevailed with to Sign them; but afterwards revoking his Aſſent, and growing more troubleſome than before, the King ordered his Peers to Summon and Try him as a Traytor: Upon this he fled, under the Name of *Dereman*, into *Flanders*, which gave the King Occaſion to Baniſh all his Kindred out of his Dominions: And *Becket*, on his Part, by way of Revenge, Excommunicated all that had acted againſt him. At length the King of *France* by his Intreaties, and the Pope by his Threats, effected a Reconciliation; ſo that he return'd Home in Triumph after ſeveral Years Exile. The King being then in *Normandy*, the Archbiſhop refuſed to Abſolve thoſe Biſhops, and others he had Excom-

communicated; and *Henry* hearing of this, and how he went up and down the Country like a King, expreſſed his utmoſt Diſpleaſure againſt him; upon which Four of his Knights thinking to oblige him, haſtned over into *England*, and moſt cruelly Murdered *Becket* in his Cathedral on the 29th of *December*, *Anno* 1170, His uncommon Steadfaſtneſs and Adherence to the pretended Rights of the Papal See procured him a Place in the Calendar of Saints, and the Miracles given out to be performed by his Dead Body enriched his Shrine from all Parts of *Chriſtendom*; ſo that at the defacing thereof in the Reign of King *Henry* VIII, the Spoil in Gold and Precious Stones filled Two great Cheſts, each requiring Eight ſtrong Men to carry them out of the Church.

THE next we meet with that had the Office of Chancellor conferred upon him was *Geoffrey Plantagenet*, King *Henry* II's. Natural Son by the Fair *Roſamond*. This *Geoffrey*, when yet but a Youth, was by his Father advanced to the Biſhoprick of *Lincoln*, he having been Archdeacon before of that Place: But being never Conſecrated, he after ſome Years renounced his Election, and was made Chancellor, and held it, according to *Goodwin*, to his Father's Death, with great Applauſe: He was in the Reign of *Richard* I. his Brother, preferred to the Archbiſhoprick of *York*: He was Conſecrated in *France*, and his Brother *Richard*, being then on his Way to the *Holy Land*, bound him by Oath not to return to *England* in leſs than Three Years Space: But *Geoffrey*, notwithſtanding this, haſtning to his Charge, and coming to *Dover*, the Biſhop of *Ely*, who was Chancellor and Governour of the Kingdom in the King's Abſence, put him into Priſon; from which in 1181.

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ſome time he was releaſed: The Profits of the Archbiſhoprick was ſeized by King *John*, as alſo *Geoffrey*'s Goods, which were never returned, and he could not procure the Reſtitution of the Temporalities till he had paid a Thouſand Pounds: And now King *John* requiring the Tenth Shilling of what every Body was worth towards his Wars, *Geoffrey* was the only Perſon that oppoſed him; and having Excommunicated all thoſe that ſhould in his Dioceſs comply with that Demand, went into voluntary Baniſhment, and continuing Five Years in Exile, departed this Life in 1213.

I find that one *Walter de Bidun* ſucceeded *Geoffrey* as Chancellor, in the Reign of *Henry* the Second; but the preciſe time when he came in, and when put out, does not appear, no more than what otherwiſe he was, and therefore we have no more to ſay to him.

1189. IN the Firſt Year of the Reign of King *Richard* I. *William Longchamp*, afterwards Created Biſhop of *Ely*, was made Chancellor of *England:* He was a great Favourite of this Prince, and upon his Expedition into the *Holy Land* he conſtituted him Governour of the *South* Part of *England*, and Protector of the Kingdom in his Abſence; and that his Authority might ſtill have the greater Countenance, he was made *Legate* by the Pope, tho' not without paying him a Thouſand Pounds firſt for it. This Perſon having by his *Legantine* Power convened a Synod at *London*, did at the Requeſt of *Hugh*, Biſhop of *Coventry*, expel the Monks out of that Church, and brought Secular Clergy into their Room, which ſo incenſed the Monkiſh Writers of thoſe Times againſt him, that

that they loaded him with all the opprobrious Calumnies their Malice could invent, and having at length got him turn'd out of his Office, he was put into Priſon, and in ſome Time had an Opportunity to Retire into *Normandy*, his Native Country, where he tarried till the Return of King *Richard*, who eſteemed him, and made as much Uſe of his Council as ever, to the Day of his Death. He was in 1197, together with the Biſhop of *Durham*, ſent *Legate* to the Pope, and died *January* 29th at *Poictiers* the ſame Year.

IN the Sixth Year of the Reign of King *John*, *Hugh*, Archdeacon of *Wells*, was advanced to the Office of Chancellor, and in 1209 was Elected Biſhop of *Lincoln*, at which time the King having forbid him to be Conſecrated by *Langton*, Archbiſhop of *Canterbury*, he would do it notwithſtanding, which made him ſo angry with *Hugh*, that he deprived him for Five Years together of his Temporalities: He generally ſtuck to the Barons againſt the King, and alſo to Prince *Lewis* of *France*, for which the Pope Excommunicated him, and he could not get Abſolution till he had paid him a Thouſand Marks, and his *Legate* an Hundred: He Built a fair Hoſpital at *Wells*, and having done other Acts of Charity, died on the 7th of *February*, in 1234. 1204.

KING *John*, in the Eighth Year of his Reign, was pleaſed to make *Walter de Gray* his Chancellor. This Perſon was firſt Biſhop of *Lichfield* and *Coventry*, from which See he was Tranſlated to that of *Worceſter*, *Anno* 1214, and in the Reign of *Henry* III. was about 1217 advanced to the Archbiſhoprick of *York*, tho' the Chapter had before rejected him, as being 1206.

being Illiterate, whereas 'tis certain he had ſtudied for ſome time in the Univerſity of *Oxford*: But now his Continency, as having never had any thing to do with a Woman in his Life, which was looked upon to be a very great Thing in thoſe Days, is the great Argument uſed to the Pope for his Confirmation; who yet would not do it without the Sum of Ten Thouſand Pounds Sterling, and this made the Biſhop lead a very Mean and Parſimonious Life all his Days, for which ſome have cenſured him of Covetouſneſs: Otherwiſe he comes off with the Character of a very Wiſe Man, expert in Buſineſs, and very faithful to his Prince; a pregnant Inſtance of which we have in 1253, when Queen *Eleanor*, with whom the King in his Abſence had entruſted the Government of the Kingdom, being about to go over Sea to her Husband, ſhe made this Biſhop, tho' then very Old, and unapt for ſo great a Truſt, her Deputy: He was Archbiſhop of *York* Forty Years, and contributed much towards the adorning and enlarging his own Seat and the Cathedral: He bought the Mannor of *Thorp*, and annexed it to the Archiepiſcopal See, ſo as that the Canons, unleſs the See were vacant, were never to have any Benefit by it: He bought *York Place* of the *Dominicans*, ſince called *White-Hall*, and left it to his Succeſſors: The Archbiſhop died at *Fulham*, in the beginning of *May* 1255.

1212. KING *John*, in the 14th Year of his Reign, made *Richard de Mariſco* his Chancellor, who in 1217, in the Reign of *Henry* III. was Created Biſhop of *Durham*; he had been before Dean of *Salisbury*, and Archdeacon of *Northumberland*: This *Richard* is ſaid to be ſo

ſo very profuſe a Man, that the Monks of *Durham*, fearing leaſt he might devour their Income, as well as that of the Biſhoprick, ſued him, that he might be kept within Bounds; and the Biſhop in 1226 going to *London*, attended by a great many Lawyers to maintain his Cauſe, went well, in his Way thither, to Bed, in the Abbey of *Peterborough*, but was found dead in the Morning, leaving his Succeſſors Forty Thouſand Marks of Debt to pay for him.

RALPH Neville, afterwards Biſhop of *Cheſter*, was made Chancellor of *England* about the Ninth Year of *Henry* III. the Chancellorſhip of *Ireland* was likewiſe granted him for Life. This Perſon had the Approbation of the States of the Nation for his Poſt, which he diſcharged with great Juſtice and Integrity; notwithſtanding this, *Henry* III. *Anno* 1238, violently took the Seal from him, and committed it to the Cuſtody of his Brother *Geoffrey*, a Templer, and of *John de Lexington*; but the Biſhop was allowed to receive the Profits of the Office: Tho' others ſay, that being in 1237 Elected to be Biſhop of *Winchester*, he of his own Accord quitted the Chancellorſhip, and afterwards was with Reluctancy perſwaded to take the Seal again, which he kept to his Death, that hapned on the Firſt of *February* 1244. 1223.

IN the Interval of the Seal's being out of the Cuſtody of *Neville*, *Simon Norman*, King *Henry* III's greateſt Favourite, had the ſame committed to him: But this Perſon in 1239 refuſing to paſs a Grant from the King to *Thomas*, Earl of *Flanders*, the Queen's Unkle, of Four-pence upon every Sack of Wooll, he 1239.

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was discarded, and put out of the Council, and the Seal put into the Hands of *Richard*, Abbot of *Evesham*, who in 1242 being Elected Bishop of *Chester*, he resigned up the Seal, and *Neville* had it again.

1246. *RANULPH Brito* is the next Chancellor that is mentioned, of whom we know nothing, but that he died of an Apoplexy in the 30th of *Henry* III. and that he was succeeded next Year by *Silvester de Everdon*, the King's Chaplain, who acted as Chancellor, and was chosen Bishop of *Carlisle*, the Acceptance of which the King would have dissuaded him from. He was succeeded in the 31st of *Henry* III. on the 8th Day of *September*, by *John Lexington*, and not long after came in *John Mansell*, Chancellor of St. *Paul*'s, *London*. Some make this Person to be Sir *John Mansell*, one of the King's Chaplains, and he seems to have had the Keeping of the Great Seal Twice, First in 1247, and next in 1249: But in the Year 1250 I find *John de Lexington* withdrew from Court, and the Seal was put into the Hands of *Peter de Rievallis*, and Master *William de Kilkenny*, which last being Sick in 1253, *Peter Chaseport* and *J. de Lessington*, had, *May* 15th, the Seal put into their Power. On the 22d of *June*, the same Year, the King going into *Gascoigne*, the Great Seal was committed into the Queen's Custody, and I find the forementioned *William de Kilkenny*, the King's Chaplain and Special Chancellor, supply'd the Office of Chancellor the following Year. This *Kilkenny* had been Archdeacon of *Coventry*, and being Elected by the Monks of *Ely* to be their Bishop in 1255, was Consecrated in the Country of *Savoy* by *Boniface*, Archbishop of *Canterbury*, who then resided

reſided there. He was ſaid to be a very Handſome Perſon, Eloquent, Prudent, and very well skilled in them unicipal Laws of the Kingdom: He went on an Ambaſſie into *Spain*, and died there in 1256.

KILKENNY was ſucceeded in the Chancellorſhip by *Henry de Wengham*, or *Wingham*, Clerk, and in time Biſhop of *London*. This Perſon being Sick at *London* in *May* 1258, the Great Seal was put into the Hands of *Walter de Merton* for the Time, and *Wingham* being actually made Biſhop of *London* in *June* 1259, the Great Seal was committed to the Care of *Nicholas*, Archdeacon of *Ely*; the old one being about this Time broken in pieces, and a new one made: *Wingham* died on the 13th of *July* 1261. 1255.

HENRY III. in the Forty-fifth Year of his Reign, made *Walter Merton*, afterwards Biſhop of *Rocheſter*, already named above, his Chancellor, without the Conſent of the Barons, and allowed him Four Hundred Marks a Year to bear up the Dignity of the Office. This Perſon was the Founder of *Merton* College in *Oxford* in 1274, and dying *October* 27, 1278, was Buried near the North Side of his own Church, over-againſt his Cathedral, where the Famous Sir *Henry Saville*, Warden of *Merton* College, finding the old Monument decay'd, Erected a fine new one for him, with this Inſcription upon it. 1261.

WALTERO de Merton, Cancellario Angliæ ſub Henrico Tertio, Epiſcopo Roffenſi, ſub Edwardo primo Rege, unius exemplo, omnium quotquot extant Collegiorum fundatori maximorum Europæ totius ingeniorum fæliciſſimo parenti;

renti; Custos & Scholares domus, Scholarium de Merton, in Universitate Oxon. *Communibus Collegij Impensis, debitum pietatis Monumentum posuere* Anno Dom. 1598, *Henrico Savile Custode. Obijt in vigilia Simonis & Judæ,* Anno Dom. 1277. *Edwardi primi quinto: Inchoaverat Collegium Maldoniæ in agro Sur.* Anno Dom. 1264. *Henrici tertij* 48. *cui dein salubri consilio Oxonium (ut credi par est) auspiciis accessit.* Anno 1274. *ipsis Cal. Aug. Anno Regni Regis Edwardi Primi Secundo.*

Magne senex titulis, Musarum sede Sacrata,
Major, Mertonidum maxime progenie:
Hæc tibi gratantes post secula sera nepotes,
Et votiva locant Marmora, sancte parens.

IT seems as if this Gentleman had been Twice Lord Chancellor, First in the Reign of *Henry* III. and afterwards in the First Year of *Edward* I. but he held not the Seal long in this last King's Reign.

1263. IT was in the Forty-seventh Year of *Henry* III. that the King on the 18th of *December* being about to go beyond the Seas, left the Great Seal in the Custody of *Nicholas*, Archdeacon of *Ely*, who while the King was abroad Signed nothing but Writs: This Person in 1268 was made Bishop of *Worcester*, and before the end of that Year Translated to *Winchester*, which he held Twelve Years, and gave Way to Nature in 1280: He was first Chancellor, and afterwards Lord Treasurer of *England*.

JOHN de Chisul, Archdeacon of *London*, was the next Person that had the Keeping of the

the Great Seal, but when put into his Hands is not certain; he was Twice Chancellor, and the Seal was delivered to him the laſt time in 1269. His other Preferments were Dean of St. *Paul's*; he was made Treaſurer of *England* in 1270, and Biſhop of *London*, *April* 29, 1274. The Seal was taken from him in the 29th of *Henry* III. and he was ſucceeded by *Thomas de Cantilupus*, who was made Chancellor with the Annual Allowance of Five Hundred Marks, for himſelf and Clerks in Chancery under him: He was ſometime Archdeacon of *Stafford*, and Chancellor of the Univerſity of *Oxford*, as well as of *England*: He was Nobly Born, being the Son of *William*, Baron of *Cantilupo*; he firſt Studied at *Oxford*, and afterwards at *Paris*: Upon his Return from thence to *Oxford* he Studied the Canon Law, and took his Degrees of Dr. of Laws. He died in *Italy* on the 25th of *Auguſt*, 1282, and was Canonized by Pope *John* 22. They ſaid his Body wrote Miracles, and his Succeſſors Biſhops of *Hereford*, to which Biſhoprick See he was promoted in 1275, have done him the Honour to make Uſe of the Arms of his Family for thoſe of their See ever ſince. 1265.

HIS Succeſſor in the Chancellorſhip was *Walter Giffard*, Biſhop of *Bath* and *Wells*, with an Allowance of Five Hundred Marks a Year, to be paid him out of the Exchequer: He was promoted to the See of *Bath* and *Wells* on the 22d of *May* 1264, and the Archbiſhoprick of *York* becoming vacant the Year following by the Death of *Godfrey de Kinton*, *William de Langton*, Dean of *York*, was choſen to ſucceed. But *Giffard* having been Chaplain to the Pope, ſometime Lord Treaſurer, 1265.

and now Chancellor of *England*, he grew too weighty a Competitor for *Langton*, and was Confirmed Archbiſhop on the 15th of *October* 1265, and having governed that See for Thirteen Years and Six Months, departed this Life on the 25th of *April* 1279.

1267. *WALTER* having held the Chancellorſhip about Two Years, was ſucceeded in the 51ſt of *Henry* III. by *Godfrey Giffard*, Archdeacon of *Wells*, who in the 53d of *Henry* III. was made Biſhop of *Worceſter*. This Gentleman was allied in Blood to the King; but tho' he held his Office of Chancellor no longer than the Day after *Simon* and *Jude*, the ſame Year, he governed that See Four and Twenty Years, Four Months, and as many Days, and died in the Year 1302.

1269. HAVING already taken Notice that *John Chiſul* came to the Seal again after *Giffard*, which he held but a little while, *Richard de Middleton* was Conſtituted Keeper of it this ſame Year, and the 53d of *Henry* III. I can meet with nothing at all Memorable concerning this Perſon, nor ſo much as find out whether he was a Clergyman or a Layman, tho' he is like to have been of the Number of the former, according to the Practice of thoſe Times: However, one thing is remarkable of him, that he died in his Office in the 56th of King *Henry*'s Reign, which few others have done.

1272. HIS Succeſſor was *John Kirkby*, who had the keeping of the Seal next, and aſſociated P. *de Winhon*, then Keeper of the King's *Wardrobe*, with him in the Office. This muſt be the

the ſame *John de Kirkby* who was Dean of *Winburn*, Archdeacon of *Coventry*, afterwards Lord Treaſurer of *England*, and Biſhop of *Ely*: He was put out from being Chancellor in the Second Year of *Edward* I. to make Room for a ſhort time for *Walter de Merton*, of whom before: But he was preferred to the Office of Treaſurer in the 12th of that King, and in the 15th, *Anno.* 1286, to the See of *Ely*: He died of a Feaver on the 26th of *March*, 1290, after he had preſided over that Biſhoprick about Three Years and an Half: How he behaved himſelf in his Chancellorſhip Hiſtorians are ſilent, but they tell us he was ſo taken up in the Management of the Treaſury, that he took but very little Care of the Flock committed to his Charge.

KING *Edward*, in the Second Year of his Reign, was pleaſed to make *Robert Burnel* Archdeacon of *York*, Keeper of the Great Seal: This Gentleman was the Son of *Robert*, the Brother of *Hugh*, Baron of *Burnel*. He was made Biſhop of *Bath* and *Wells* about the ſame time as he had the Seal given him: He was a Man of great Power and Authority in thoſe Days, and before he was Chancellor had been Treaſurer of *England*; by which Means he obtained great Wealth, a good Part of which he laid out in Building, and among others, Erected that Large and Spacious Palace of *Wells*: But *Burnel* more particularly was intent upon enriching his Brothers and Kindred. King *Edward* very much imploy'd him in the Affairs of *Wales*, and he reſided with his Conſent to that End for ſome time at *Briſtol*. This Prelate, in 1284, returning from *Alberconway* towards the Caſtle of *Acton* 1274.

Burnel, in *Shropshire*, a Place Built by himself, delivered the Seal to be kept for the present by *Hugh de Kendal*, and *Walter de Odyham*. King *Edward* about Two Years after, *viz.* in the 14th Year of his Reign, Embarking at *Dover*, in order to go to *France*, *Burnel* went with the Great Seal along with him; and staying in *France* and *Gascoign* till *Edward*'s Return, they arrived at *Dover* in 1289. This Great Man died on the Frontiers of *Scotland* in 1292, having been Chancellor of *England* for about Eighteen Years.

1292. THE very same Day that the Chancellor *Burnel* died, which was the *Sunday* before *Simon* and *Jude*, the Seal was delivered at *Berwick* to the Custody of *Walter de Langton*, Keeper of the *Wardrobe*: What this *Walter* was otherwise does no where appear in History; he had not this Great Office long, for the very next Year, and the 21st of the Reign of *Edward* I. *John de Langton* was made Chancellor, and sometime after, by Part of the Monks, Elected Bishop of *Ely*: But the other Party having pitched upon their own Prior, they both of them hasted to *Rome*, to interest the Pope in their Favour, but neither of them could prevail to get his Election Confirmed. For the Holy Father taking the Opportunity to exert the Fulness of his Power upon this Occasion, made *Ralph Walwood*, Bishop of *Norwich*, Bishop of *Ely*, and the Prior, Bishop of *Norwich*; but that the Chancellor might not seem to go altogether neglected, he made him Archdeacon of *Canterbury*: Nothing appears to the contrary, but that this is the same *John de Langton*, who was afterwards Bishop of *Chichester*: And if so, he was Twice Chancellor, the first

first time about Nine Years to *Edward* I. and having the Seal again delivered to him in the First of *Edward* II. held it about Four longer.

LANGTON was succeeded in the Great Office of Chancellor by *William de Greenfield*, Dean of *Chicheſter*, in the 30th of the Reign of *Edward* I. he was about the ſame time Canon of *York*; and being, it ſeems, a Man Eminent in Counſel, and very Eloquent, the Chapter of *York* choſe him to be their Biſhop in 1305: But it's like the Seal did not remain long afterwards in his Cuſtody: Be it as it will he could not get the Pope to Confirm his Election in leſs than Two Years time, and not without depoſiting 9500 Marks for it, which reduced him to ſo much Poverty, that he was Twice forced to have Recourſe to the Clergy of his Dioceſs for Subſiſtence, Firſt by Way of Benevolence, and the Second time of Subſidy: He ſupported the Knights Templars, then oppreſt everywhere by *Philip* of *France* and the Pope, as much as he could: He was at the Council of *Vienna* in 1311, and ſate next to the Archbiſhop of *Treves*: He died *September* 13, 1315, and was buried in his own Church. 1302.

EDWARD I. on the 16th of *January*, in the 33d Year of his Reign, *Anno* 1305, put the Seal into the Cuſtody of *William de Hamelton*, Dean of *York*, of whom I find nothing that is Memorable, but that he held it between Two and Three Years. The next Chancellor that *Edward* made in the 35th and laſt of his Reign was *Radalph*, or *Ralph de Bandoc*, or *Baldock*, Biſhop of *London*: This Perſon was 1307.

a Man of Learning, as the Times went; and *Bale* says, that amongst others of his Works, he wrote in *Latin* the Annals of our *English* Affairs; he gave 200 Marks in his Life-time towards building the East Part of his Church, and a great Sum of Money at his Derth. It was in his Time that they found in digging a great many Ox-Skulls, which gave our Antiquaries Occasion to conjecture that the Temple of *Diana*, in the Time of Heathenism, stood here. This Great Man was Bred in *Merton* College at *Oxford*, and died on the 24th of *July* 1313, but had been divested of the Chancellorship in the First of *Edward* II. when *Langton* came in again, as aforesaid.

1311. *WALTER Raynold*, or *Reginald*, Bishop of *Worcester*, was mnde Keeper of the Great Seal in the 4th Year of King *Edward* II's Reign. *Walter* had been Tutor to this Prince, and being much beloved by him, he took all Opportunities to promote his Intereſt: He had been a Courtier a long while, was of the Privy Council to *Edward* I. and for some time Treasurer before he had the Great Seal, which in the 5th of King *Edward* II. he held with the Title of Chancellor: He had for a while a Conteſt with *Thomas Cobham*, Dean of *Salisbury*, about his Election to the See of *Canterbury*, which *Raynald* at last carried, and was installed with great Pomp in the Archbishoprick. He obtained Eight Bulls of the Pope, by which he had so many large Priviledges granted him: He was Instrumental in composing the Tumults raised by the Barons against the King; but when the Fate of that Prince came

on,

on, ſo as that he was, chiefly by the Queen's Means, reduced and confined to Priſon; the Archbiſhop's Memory has been ſeverely tainted by ſome, for forſaking ſo kind and bountiful a Maſter as *Edward* had been to him, and ſiding with the prevailing Intereſt: They tell us likewiſe, that he died for fear of the Pope's Diſpleaſure, becauſe he had, at the Queen's Command, Conſecrated *Barkley*, after a lawful Election, Biſhop of *Exeter*; a Puſillanimous Man, and of little Learning, but otherwiſe commendable for his Prudence, Juſtice, and Dexterity in Publick Affairs.

JOHN de Sandale, the King's Chaplain, after he had been about a Year or Two Treaſurer, was made Chancellor in the 8th of King *Edward*'s Reign, and in 1316 was made Biſhop of *Wincheſter:* I find nothing upon Record concerning him, ſave that he held that See near Four Years, but was diſpoſſeſſed of the Chancellorſhip in 1318, and died in 1320. *Walſingham* calls him *Kendal.* 1315.

KING *Edward*, in the 11th Year of his Reign, made *John Hothum* or *Hotham* Biſhop of *Ely*, his Chancellor. He had been the King's Chaplain, ſometime Provoſt of *Queen*'s *College* in *Oxford*, Chancellor of that Univerſity, Chancellor of the Exchequer, and now Chancellor of *England.* He was a Prudent and Pious Man, but of no Learning. After he had held this great Office about Two Years, he thought fit to quit it, and was made Treaſurer, which he held not above a Month, but from thenceforward wholly apply'd himſelf to the Adminiſtration of Eccleſiaſtical Affairs: He laid out 4441 *l.* 9 *s.* 1318.

9 s. 7 d. upon the Church of *Ely*, and beſides, gave unto it his Mannor of *Oldburn*, with Six Tenements appertaining thereunto, and alſo a Gold Callice, and Two Cups: He died at *Somerſam* on the 25th of *January*, 1336, after he had lain Bedrid with the Palſie for Two Years together. It's not to be forgot in this Place that *Hotham* had the Great Seal delivered to him a Second time in the Firſt of *Edward* III. on the 28th Day of *January*, to act by Vertue of the Cuſtody of it whatever appertained to the Office of Chancellor, but he held it not above One Year, or thereabouts.

1320. *HOTHAM* was firſt ſucceeded by *John Salmon*, Biſhop of *Norwich*, who was nominated to be Chancellor by *Edward* II. in full Parliament, in the Thirteenth Year of his Reign. He was firſt Prior of *Ely*: He continued Chancellor about Four Years: 'Twas he that Built the Hall and Chapel of the Epiſcopal Palace, and another Chapel at the Weſt End of the Church, where he ſettled a Maintenance for Four Prieſts to Officiate: He died in the Convent of *Folſtan*, near *Dover*, *July* 6. 1325.

1323. THE Great Seal in the Sixteenth of King *Edward* was committed to the Cuſtody of *William de Ayrmin*, or *Ayermin*, Maſter of the Rolls; *Hotham*, Biſhop of *Norwich*, and Chancellor, but now mentioned, being infirm, and not capable of acting. He held this Office but about the Space of One Year. I preſume him to be the ſame Perſon, who by the Papal Authority was in 1325 made Biſhop of *Norwich*, where he preſided almoſt Eleven

ven Years, and died on the 28th of *March*, 1337.

On the 20th of *Auguſt*, this Year, and the 17th of *Edward* II. *Robert Baldock*, Archdeacon of *Middleſex*, was made Chancellor, who held this Office, in all Appearance, till the Firſt of *Edward* III. as already noted, when *Hotham* came in again. This *Baldock* lived for ſome time in great Favour with *Edward* II. and had great Power in the Kingdom; and if the Relations of ſome Writers are true, he is the ſame Perſon who was choſen by the Monks of *Norwich* to be Biſhop of that See, and who received the Temporalities from that Prince: However it were, 'tis certain *Ayrmin*, his Predeceſſor in the Cuſtody of the Great Seal, carried it from him, if in Reality he conteſted for it. 1324.

HOTHAM being outed of the Office of Chancellor a Second time, the Seal on the 1ſt Day of *March*, in the Second of *Edward* III. was committed to the Cuſtody of *Henry de Cliff*, Keeper of the Rolls, and *William de Herlaſton*, Chancery Clerk; but they kept it no longer than the 12th of *May* following, when 'twas deliver'd to *Henry de Burgherſh*, otherwiſe called *Burwaſh*: This Perſon was Educated at *Oxford*, and being the Nephew of *Bartholomew de Badiliſmer*, Baron of *Leeds*, who was a Man of great Power and Fame in the Reign of King *Edward* II. he obtained the Biſhoprick of *Lincoln* for his Kinſman in 1320; but ſcarce a Year had come about, when falling under the King's Diſpleaſure, his Temporalities were ſeized, but were reſtored again in 1324, and the King took him into his Favour. But the vin- 1329.

vindictive Prelate resented the Injury he had received so much, that he shew'd himself very forward and active with the Queen to ruin that Unhappy Prince, which at length they and their Partizans did effect. He was made Treasurer in the First of *Edward* III. proved a Covetous Man, and easily abused his Power to the oppressing of his Neighbours. He died at *Ghent* about the end of *December*, in 1340, but whether as an Exile I cannot well determine.

THE Great Seal, after *Burgherſh* had had
1329. the keeping of it for about Two Years, was delivered to *John de Stratford*, who for some time pursued his Studies at *Oxford*, and more particularly applied himself to the Canon and Civil Laws: He was but young when preferred to the Deanery of *Lincoln*; in which Station, when he had for some time prudently behaved himself, *Walter Raynold*, Archbishop of *Canterbury*, made him Dean of the Arches. In this Office, having shew'd his great Knowledge in the Laws, and much Judgment and Prudence in deciding Causes, he came to be soon in Favour with *Edward* II. and One of his Council. Happening to be Ambassador to the Pope at *Avignon*, when the Bishop of *Winchester* died, the Pope, at the earnest Desire of the Archbishop of *Canterbury*, declared him Bishop of the vacant See, which was in the 1323, or thereabouts. *Robert Baldock*, as already noted, was at that time Lord Chancellor; who having a great Influence over the King, and being incensed that he himself was disappointed of the Bishoprick, did animate the King against *Stratford*; so that he was immediately proscribed, and the Profits of the Bishoprick Confiscated to the

the Crown: There were very ſevere Proclamations iſſued out againſt him, ſo that none ſhould as much harbour or relieve him. The Pope, but more eſpecially the Archbiſhop, uſed very many Reaſons in his Behalf to the King, who, being at length pacified, took him into his Favour and Council, made Uſe of him upon ſeveral Ambaſſies, and in the moſt arduous Affairs of State; all which he managed with ſo much Skill and Fidelity, that when every Body afterwards forſook the King, and even the Archbiſhop himſelf, he ſtuck cloſe to him, and upon the depoſing of *Edward*, was forced to skulk once more. But the Queen in ſome time having taken him into Favour, he was made Chancellor of *England*, ſay ſome, in the room of his Inveterate Enemy *Baldock*, who was ſlain in Priſon by a Thouſand Torments, but he was then rather made Treaſurer, as he really was in the 20th and laſt Year of *Edward* II.

AFTER *Stratford* had been Ten Years Biſhop of *Winchester*, he was by the Papal Authority in 1333 tranſlated to the Archbiſhoprick of *Canterbury*, and had the Adminiſtration of the Kingdom, during the Abſence of *Edward* III. in his *French* Wars: But the King having in leſs than One Year profuſely expended a vaſt Sum of Money given him by the Subject, or otherways borrowed, and requiring the Archbiſhop to ſupply him with more, according to his Promiſe; he expoſtulated with the King about ſuch Profuſeneſs, ſhewing the great Inconveniencies thereof, and the Difficulty, if not Impoſſibility, to get ſuch a farther Supply: This brought him under the King's Diſpleaſure, and many Difficulties and Perſecutions too long to be enumerated: Againſt theſe

the

the Archbiſhop, not to be wanting to himſelf, both Preached, Wrote, made uſe of his Power or Excommunication, and all the Intereſt his Friends could make; by which at leaſt he was reconciled to the King, and cleared of an unjuſt Suſpicion, that he held Intelligence with *France*, chiefly occaſioned by his perſwading the King to make Peace with King *Philip*, to prevent the Oppreſſion of the People, by being required to grant him more Money: He left all his Eſtate to his Servants and Domeſticks at his Death, which hapned not till he had preſided over the See of *Canterbury* about Fifteen Years: He was a Man of a mild and gentle Nature, more inclinable to Pardon the Guilty, than to Puniſh them with Severity, and very Charitable to the Poor: He Built a College at *Stratford* upon *Avon*, the Place of his Nativity, and plentifully endowed it.

THE various Viciſſitudes of the good and bad Fortune of this Great Man were ſuch, that beſides the Time above ſpecified, when the Great Seal was firſt delivered to his Cuſtody, I find he was conſtituted Chancellor again in the Eighth of *Edward* III. on the 6th Day of *April*, 1335, and that he delivered the Great Seal to the Hands of *Robert de Stratford*, his Brother, it ſeems, with the Title of Keeper. He kept it no longer than the 28th of *September* following. On the 6th of *June* 1336, he had it again, but being deprived of it on the 23d of *October* 1338, the laſt time it was delivered to him as Chancellor and Keeper, was on the 28th of *April* 1341, of which he could be poſſeſſed but a very ſhort time, tho' it cannot be preciſely aſſigned by us.

IT

IT ſeems that the Great Seal was not the first time taken from *John de Stratford* in any Diſpleaſure, ſince the Record ſays that it was put into the Cuſtody of his Brother *Robert de Stratford* on the 23d of *July*, in the Sixth of *Edward* III. while he himſelf was taken up in managing ſome other Affairs of the King and Kingdom. When *John* delivered the Seal to his Brother *Robert*, with the Title of Keeper, is but juſt mentioned before. 1333.

THIS *Robert* had been Archdeacon of *Canterbury*, and was made Chancellor of *England*, and Keeper of the Seal *October* 23, 1338: He was likewiſe Chancellor of the Univerſity of *Oxford*, and appointed Biſhop of *Chicheſter*: The Troubles of his Brother, which are already accounted for, affected him, even when Chancellor, he being for ſome time, together with the Biſhop of *Litchfield*, Lord Treaſurer, Committed Priſoner to the *Tower* of *London*. It was in his Time that a mighty Sedition hapned in the Univerſity of *Oxford*, the Faction being diſtinguiſhed into the Northen and Southern Student and Scholars, the former, by reaſon of the many Injuries and Vexations received from the other, being neceſſitated to retire to *Stamford* in *Lincolnſhire*: However, by the Prudence of this Prelate, their Chancellor, this Difference was happily accommadated. He lived many Years after he was diveſted of the Office of Chancellor of *England*, and died on the 9th of *April*, 1392.

THE Great Seal is Recorded to have been in the Cuſtody of *William*, Archbiſhop of *York*, in 1334, but no otherwiſe than that it was delivered by him to *Henry de Edneſtowe*, *Thomas de Baumburg*, and *John de* St. *Paul*; and

and therefore we ſhall take no further Notice of him, but that we may preſume to be *William de Melton*, who preſided over that Archiepiſcopal See about this time. Wherefore we come to obſerve ., that in the Eighth of *Edward* III. *Richard de Bury*, Biſhop of *Durham*, was conſtituted Chancellor, and on the 20th of *September* this Year, had the Great Seal delivered to him, tho' he kept it he above Nine Months.

1336. THIS *Richard de Bury* was Born at St. *Edmunds Bury*, in the County of *Suffolk*, took his Surname from his Native Place, tho' he was the Son of Sir *Richard Angervill*, Knight, who leaving him a Child, he was by a Prieſt named *Willoughby*, his Uncle, carefully Educated, and afterwards ſent to the Univerſity of *Oxford*: There, after he had ſtudied Philoſophy and Divinity, and became a great Proficient in both, as well as Eminent for the Regularity of his Converſation, and the Sanctity of his Life, he was pitched upon, from among all the Academicks, to be Tutor to *Edward* Prince of *Wales*, afterwards King of *England*, by the Name of *Edward* III. They tell us that this *Richard*, was Treaſurer of *Gaſcoign*, in the Reign of *Edward* II. and that having ſupplied the Queen with Money out of the King's Treaſure, which ſhe made uſe of the Prejudice of her Husband, it had like to have proved his Ruin, and he was glad for ſeveral Days together to hide himſelf in the Belfrey of a certain Church at *Paris*. When *Edward* III. came to the Crown, he heaped Preferments upon him; he was firſt made Treaſurer of his Wardrope, then Keeper of his Privy Seal, in which Office he continued about Five Years, and afterwards was ſent Twice Ambaſſador

ſador to the Pope: He was nominated to be Dean of *Wells* in 1333, and the Biſhoprick of *Durham* he had conferred on him in *December* the ſame Year: The Chancellorſhip was his next Preferment, and in ſome time after he was Conſtituted Treaſurer of *England.* He was imployed on ſeveral Ambaſſies after he became Biſhop. When he had any Leaſure from Publick Affairs he ſpent his Time either in Prayer, Conferring with Learned Men, or in his Study, wherein he took great Delight, and, among many others, he wrote a Book, called *Philobliblos*; in the Preface of which he ſays that *ecſtatico quodam librorum Amore Potentur ſe abreptum:* So that 'tis no wonder he had the beſt Library, and even more Books than all the other Biſhops, put together, in *England.* He was very charitable, and erected a fair Library at *Oxford*, and died at *Aukland* on the 24th of *April* 1345.

TO keep a due Series of Things, it's neceſſary to obſerve that *John de Stratford*, Archbiſhop of *Canterbury*, of whom before, was the immediate Succeſſor of *Bury*, in the Office of Chancellor, in 1336, and that *Robert*, the Archbiſhop's Brother, came to the Seal in 1338: But then *Richard Binteworth*, alias *Bintworth*, Biſhop of *London*, was on the 6th of *July*, in the Twelfth of *Edward* III. Conſtituted Chancellor and Keeper of the Seal. This Perſon had been One of the Prebendaries of St. *Paul:* He did not long enjoy this great Office; however, he died Chancellor, a thing not very uſual, on the 8th of *December* 1339, or 1340; upon which the Great Seal was delivered to *John de* St. *Paul*, Keeper of the Rolls, *Michael de Wath*, or rather *Worth*, and *Thomas de Baumburg*; and on *February* 13. 1341, 1339.

1341, *John de* St. *Paul* was made Keeper of the Seal alone.

1341. *JOHN de Stratford*, Archbiſhop of *Canterbury*, ſucceeded him the ſame Year, ſo did his Brother *Robert*, the Archbiſhop; but before the Year was out the King made Sir *Robert Burgchier*, Knt. Chancellor: His Succeſſor was *Robert Parnyng* to whom the King delivered the Great Seal on the 27th of *October*, in the 15th of his Regin 1342.

1342.

1344. *ROBERT de Sadyngton* was the next Chancellor, and had the Seal given him on *Michaelmas-Day* 1344, and *Edward* III. being on the 3d of *July* 1346, and the 19th of his Reign, ready to embark at *Sandwich* for *France*, the ſame Day delivered the Greal Seal to *Robert de Sadyngton*, his Chancellor, for the Government of the Kingdom in his Abſence. But this Regency did not laſt long, for *John de Offord*, on the 26th of *October* the ſame Year, was made Chancellor, and had the Seal Committed to his Care.

1346.

1347. THE Chancellor *de Offord* being on his Departure beyond Sea, the Great Seal, on the Second of *July*, in the 20th of *Edward* III. was delivered to the Cuſtody of *John de Thoresby*, *Thirisby*, or *Thursby*. This Gentleman was a Student at *Oxford*, where he became a great Divine, and very knowing in the Civil and Canon Laws; and amongſt the many little Tracts he wrote, both in *Latin* and *Engliſh*, there was one Entituled, *A Commentary on the Lord's Prayer, the Decalogue and the Creed in* Engliſh, *for the Uſe of the People of the Province of* York, of which he became Archbiſhop in

in 1352. he having been first Bishop of St. *David's*, to which he was preferred *Sept.* 23, 1347. He was translated from thence to *Worcester* in 1349. *Bale* tells us, that *Urban* V. made him a Cardinal, by the Title of St. *Sabin.* He died at *Thorp*, *Nov.* 6, 1373, being reckoned among the Learned of those Times: How long he kept the Seal cannot positively be assign'd, it appears he was made Chancellor on the 16th of *June*, 1350. We meet with no other till 1357, so that if we allow him to have been in this Great Office without any Interruption from the time he first received the Great Seal, which was in 1347, he held it for about Twenty Years.

THE next Chancellor was *William de Edington*, or *Edenton*, Bishop of *Winchester*, who had the Great Seal delivered to him on the 19th of *February*, 1357. There is nothing Memorable of him, as Chancellor: But *Goodwin* says, That being Treasurer of *England* in 1350, he caused a new Sort of Money to be Coined of somewhat a less Weight than the former, which presently enhanced the Price of every thing: And since it came to be a frequent Practice from henceforwards under several of our Princes, so that our Money at last scarce amounted to a Third Part of its Weight 350 Years ago, it's no Wonder every thing grew so dear; and hence it is that our Kings and Nobilities Estates came insensibly to be diminished a Third Part of what they anciently were: For though the Tale of their Income may be the same, the Value is vastly less. *Edington* refused the Archbishoprick of *Canterbury*, saying, *That indeed the Rack of* Canterbury *was higher, but the Manger of* Winchester *larger.* He Built a Mo- 1357.

nastery at *Edendon*, the Place of his Nativity, for a Sort of People they call in *French Bon Hommes*, and richly Endowed it. He died in the Year 1366, and *William* of *Wickham*, his Succeſſor, made his Executors pay for Dilapidations 1662 *l.* 10 *s.* beſides 1556 Oxen, 4717 Weathers, 3521 Sheep, as many Lambs, and 127 Hogs; all which were fed upon the Lands of the Biſhoprick.

1363. *EDINGTON* having had the Office and Dignity of Lord-Chancellor about Six Years, the King on the 19th of *February*, in the 36th of his Reign, gave the Seal to *Simon Langham*, Biſhop of *Ely*, which See was conferred on him by Papal Authority in 1361, much about the Time that he was made Treaſurer of *England*, whereas before he was only Abbot of *Weſtminſter*, to which he was advanced from Prior. He was firſt appointed to be Biſhop of *London*, but *Ely* falling vacant before his Conſecration, he preferred it, as being richer, tho' inferior in Dignity, before the other. He was tranſlated to the See of *Canterbury* in 1366, upon which ſome witty Fellow, but none of his Friend, made theſe Two Lines.

Lætantur Cœli, quia Simon tranſit ab Ely,
Cujus in Adventum, flent in Kent millia Centum.

He had a great Conteſt with the Students of the Colledge of *Canterbury*, erected by *Iſlip*, his Predeceſſor, and ejecting them at laſt, brought Monks into their Room. The Famous *John Wickliff* being One of thoſe that were expelled, Providence ſo ordered the Diſpleaſure

ſure he conceived for the Injury done him, as to make him inſpect into their Conduct, and to break the Ice for the happy Reformation, which in time enſued. *Urban* V. on the 12th of *May*, 1367, made *Langham* a Cardinal, upon which he left his Archbiſhoprick, went to *Avignon*, was made Biſhop Cardinal *Præneſte* by *Gregory* II. and was impowered to collect the Profits of other Spiritual Promotions under the Name of Adminiſtrations; for in the Church of *Wells* only, beſides the Office of Treaſurer, he was alſo Archdeacon of *Taunton*: He lived Eight Years at *Avignon* in great Authority, and died of the Palſie *July* 22. 1376. He was extreamly liberal upon ſeveral Occaſions to the Abbey and Monks of *Weſtminſter*; and 'tis computed by ſome he expended in all upon them Ten Thouſand and Eight Hundred Pounds.

THE next Lord Chancellor of *England* was the Famous *William* of *Wickam*, Biſhop of *Wincheſter*, who was confirmed in that Office on the 17th of *September*, in the 41th Year of *Edward* III. He was Born at a Town of that Name in *Hampſhire*: One of his firſt Preferments was that of Surveyor of the King's Buildings, but afterwards going into Orders, he was made Rector of St. *Martins in the Fields*, Archdeacon of *Lincoln*, &c. Beſides which he was in Time made Principal Secretary of State, Keeper of the Privy Seal, and Biſhop of *Wincheſter*. But I doubt it was a great Miſtake, that ever he was Treaſurer of *England*, as *Collier* and others make him to be, ſince I cannot meet with his Name in *Dugdale*'s Catalogue of thoſe who held that great Office; I believe it an Error for Chancellor, which Office he held for about Four Years the firſt Time; 1368.

but in 1389, and the 12th of *Richard* II. he had the ſame conferred again on him, and held it about Three Years more. The Money which this Man expended upon Religion and Learning, Charity and the Publick Good, was almoſt incredible; for he beſtowed 20000 Marks in repairing Houſes belonging to the Biſhoprick, diſcharged all Priſoners in his Dioceſs that lay in Execution for Debts under 20*l.* repaired all the Highways from *Wincheſter* to *London* on both Sides the River, founded *New-College* in *Oxford*, and another College at *Wincheſter*; in which latter there is a large Revenue ſettled for the Maintenance of a Warden, Ten Fellows, Two Maſters, Seventy Scholars, *&c.* This Biſhop died in the 4th Year of *Henry* IV.

1372. *WILLIAM* of *Wickam* was ſucceeded in the Office of Lord-Chancellor the firſt time by Sir *Robert de Thorp*, Knight, to whom King *Edward* III. deliver'd the Seal on the 26th of *March*, in the 45th Year of his Reign. I meet with nothing Memorable of him nor his Two Succeſſors; the firſt of which was

1373. *John Knyvet*, who was made Chancellor and Keeper of the Seal in the 46th Year of *Edward* III. and holding that Office to the Year

1677. 1677, *Adam de Houghton*, Biſhop of St. *David*, had the Great Seal deliver'd to him, and was made Chancellor on the 11th of *January*, in the 50th Year of the ſame King's Reign. He was Bred at *Oxford*, where he proceeded to the Degree of Doctor of Laws. He came to the See of St. *David* by the prevailing Intruſive Power of the Pope, and having ſurvived his Office of Chancellor ſeveral Years, died in *April* 1389.

RICHARD

RICHARD II. ſucceeding his Grandfather in the Throne of *England* in 1378, in the Second Year of his Reign, removed *Houghton* from the Office of Chancellor, and delivered the Seal into the Cuſtody of Sir *Richard de la Scrope*, Knt. who for the preſent held his Place for about a Year only, and was diſpoſſeſſed; yet in 1382, and the 5th of King *Richard*'s Reign, he was made Chancellor and Keeper of the Great Seal again on *Wedneſday* before St. *Andrew*'s Day: But this being a fickle and unconſtant Reign, and the Chancellor refuſing to ſeal ſome Grants which the King had made, he was turned out, and the King having kept the Seal by him for ſome time, ſealed ſuch Grants and Writings as he pleaſed. 1379.

SIR *Richard Scrope* upon his firſt Depoſal was ſucceeded in the High Office of Lord Chancellor of *England* by *Simon Sudbury*, Archbiſhop of *Canterbury*, who had the Seal delivered to him the 3d of King *Richard* II. His Father was a Nobleman, called *Nigel Theobald*; but *Simon* took his Sirname from the Town of *Sudbury* in *Suffolk*, where he was Born in St. *George*'s Pariſh. When he grew up he was ſent by his Father Beyond Sea, to ſtudy the Civil Law, of which he became Doctor, after he had been at ſeveral Univerſities in *France*; then he was admitted of the Council to *Innocent* VI, and Auditor of the *Rota* in the Court of *Rome*. He was by the Means of the Pope firſt made Chancellor of *Sarum*, then Biſhop of *London*, from whence he was tranſlated to the See of *Canterbury* on the 6th of *June* 1375. He Celebrated Two Synods. At that Time one *John Bale* ſetting up for a Leveller, and having drawn a great many People to eſpouſe his wild 1380.

wild Notions, the Archbiſhop by ſome Fatality or other was the Inſtrument to get him releaſed out of Priſon, which proved his own Ruin: For *Wat Tyler* and *Jack Straw* having out of the Dregs of *Bale*'s Followers drawn together almoſt Threeſcore Thouſand People, they marched to *London*, and attacked the *Tower*, whither the Archbiſhop and *Hales* the Treaſurer were retired, ſeized their Perſons, and beheaded them both on *Tower Hill*. The Archbiſhop and Chancellor ſpoke much to the People, and ſhewed great Conſtancy and Reſignation at his Death, which in the manner of it was very Barbarous, and hapned on the 14th of *June* 1381. *Walſingham* gives him the Character of a very Eloquent Man, and incomparably Wiſe above all the Great Men of the Kingdom.

1381. THE Great Seal, upon the Abominable Murder of Archbiſhop *Sudbury*, was delivered to *William Courtney*, then Biſhop of *London*, with the Title of Chancellor. He was the Son of *Hugh Courtney*, Earl of *Devonſhire*; and tho' a Youth, ſtudied hard the Civil and Canon Law; then going into Orders, grew Rich in Eccleſiaſtical Preferments, a Prebend of *Exeter* being conferred upon him, another of *Wells*, a third of *York*, beſides I know not how many good Livings. He was made Biſhop of *Hereford* in 1369, and from thence, after Five Years and Six Months, tranſlated to *London*. While he ſate in this See ſome Difference aroſe between him and *John* of *Ghent*, Duke of *Lancaſter*, which the *Londoners* ſo reſented, that they pulled Part of the Duke's Houſe down, and would have killed him, had he not eſcaped; but at the Biſhop's earneſt Intreaty they ſpared the reſt of the Building. He was made a Cardinal in 1378, afterwards he became Archbiſhop, which

was

was in 1381. He celebrated a Synod at *London*, condemned *Wickliff*'s Doctrine, and made ſeveral of his Followers recant: He and his Suffragans would not attend the Trial of ſeveral Great Men in Parliament, as being Matter of Blood; he viſited the Dioceſſes of his Province by Vertue of the Papal Bull, and found great Oppoſition therein by ſome of the Suffragans; but he ſurmounted all, and from thenceforward none of them contended againſt the Archiepiſcopal Viſitation. A little before his Death he required the Sixtieth Part of the Yearly Income of the Clergy in his Province, which he ſaid was allowed him by the Pope: But the Biſhop of *Lincoln* refuſing to pay, and appealing to the Pope, the Archbiſhop died while the Matter was depending, *July* 31. 1396. The Time of his Chancellorſhip was but ſhort, for he was put in but in the 4th of *Richard* II. and Sir *Richard Scrope* had the Seal delivered him again the Year following.

SIR *Richard le Scrope* was ſucceeded in the Chancellor's Office the 6th of King *Richard* by *Robert de Braybroke*, Biſhop of *London*, to whom the Great Seal was deliver'd on *Sunday* the Eve of St. *Matthew*, this Year. He was, after divers Inferior Dignities, upon the Tranſlation of Biſhop *Courtney* to the Archbiſhoprick of *Canterbury*, preferred to the See of *London* in 1381; but the Office of Chancellor he did not hold above half a Year. In 1387, being deſirous to ſerve his Country, he endeavoured to get King *Richard* reconciled to his Unkle *Thomas*, Duke of *Glouceſter*, and ſeveral other Noblemen, then out of Favour, taking the Liberty to reprimand *Robert de Vere*, Duke of *Ireland*, in the Preſence, for abuſing his Inte- 1383.

reſt with the King, and putting him upon wrong Meaſures. Biſhop *Braybroke* in 1394 ſailed after the King into *Ireland*, to perſwade him to ſuppreſs the *Lollards*, which was done accordingly: He died in 1404.

1383. BISHOP *Braybroke* was ſucceeded in the Chancellorſhip by Sir *Michael de la Pool*, Knt. the Seal being delivered him on the 13th of *March* this Year. This Gentleman was a Merchant's Son, and honoured much about the ſame time with the Title of Earl of *Suffolk*. He muſt certainly be a Perſon of Accompliſhments by the Aſcendency he had over King *Richard*; but withal he is repreſented in Hiſtory for a Court-Flatterer, and an Inſtrument to ſet the King at Variance with his People: And when the King came to take the Government upon himſelf, and to demand a Subſidy towards his Wars, he was anſwered, He had no Occaſion for any from his Subjects if he would but call in the Debts the Chancellor owed him; and that if he had ſo much Tenderneſs towards him that he could not find in his Heart to do it himſelf, they would do that Work for him.

IN ſhort, the Parliament charged the Chancellor with ſuch heinous Crimes that all his Goods were confiſcated if the King pleaſed; tho' others will have his Sentence to be, to pay a Fine of 20000 Marks, and 1000 Pounds Yearly beſides: The Chancellor and the other Sycophants of the Court hereupon ſtudied Revenge, and looking upon the Duke of *Glouceſter* as the chief of the Lords that oppos'd the King's Unlawful and Arbitrary Deſigns, they conſpire to kill him: However, a Subſidy was at laſt granted to the King, upon Condition it ſhould be

apply'd

apply'd as the Lords would direct; and both Houſes poſitively agreed, and repreſented to King *Richard*, unleſs the Chancellor was removed they would proceed no further in Parliamentary Buſineſs; ſo that the King was neceſſitated to comply, and diſcard the Earl of *Suffolk* from his Office.

BUT as ſoon as the Parliament was diſſolv'd he was in as high Favour, and as conſtant an Attendant upon the King as ever; and *Richard*, ſo far prevailed as to get his corrupt Judges to give their Opinions, and to anſwer Queſtions put them in relation to the late Tranſactions, as he pleaſed; and more particularly to declare that the Judgment given in Parliament againſt *Michael de la Pool* was erroneous and revocable; and that if the Judgment were now to be given the Juſtices would not do the ſame.

NOT long after the Earl of *Suffolk*, being apprehenſive there were ſome Deſigns laid to ſurprize him, he fled over to *Calais* in Diſguiſe, having ſhaved his Beard, and took upon him to be a Poulterer that had rare Fowls to ſell: But being diſcover'd by the Lord *William Beauchamp*, Deputy of *Calais*, he ſent him a Priſoner into *England*: But the King allowed him his full Liberty, to make the World believe the Earl was more afraid than hurt, and more ſuſpicious than he had Occaſion to be: However, in the beginning of the Parliament that enſued, the Earl of *Suffolk*, with divers others of Quality and Adherers to the Court, upon their Non-appearance, were by unanimous Conſent baniſhed for ever, and all their Lands and Effects ſeized on to the King's Uſe, (their Entailed Eſtates only excepted): What became of the Earl after this Hiſtory is ſilent, and 'tis very probable from the Times which enſued that he died in Exile.

MICHAEL

1387. *MICHAEL de la Pool*, Earl of *Suffolk*, being removed from the Office of Lord Chancellor in the manner already related, *Thomas* of *Arundel*, Biſhop of *Ely*, was on the 24th of *October* this Year, in the 10th of King *Richard*, conſtituted Chancellor and Keeper of the Great Seal in his Room, with the Conſent of Parliament; who at the ſame time having appointed Thirteen Lords to have an Overſight of the Affairs of the Kingdom, the new Lord Chancellor being alſo advanced to the See of *York*, was the firſt named for this Purpoſe. But when the Parliament once broke up, their Inſpection proved of no long Duration: King *Richard* fell to his Old Counſels, and would have ſecured the Duke of *Glouceſter* and other Lords that ſtood in the Way, and oppoſed his violent Courſes. The Chancellor ſided with the Lords, yet carry'd it with ſuch Moderation, that he was ſent by the King to require the Lords to come and meet him at *Weſtminſter* upon a Day appointed, and all Things were to be left to the Determination of a Parliament, who tied up the King's Hands as well as they could from doing any Miſchief: However, to ſhew his Authority, he removed *Arundel*, now Archbiſhop of *York* in 1388, from being Chancellor in a little more than a Year's Time, and *William* of *Wickam*, as aforeſaid, had the Seal delivered to him on the 4th of *May*, 1389. *Wickam* having acted the Part of Chancellor Three Years more, and upwards, the Seal came once more into the Hands of the Archbiſhop on the 4th of *September* 1392. About this Time a Servant of the Biſhop of *Salisbury*, Lord Treaſurer, happening to take a Loaf out of a Baker's Basket as he paſſed along the Street, the Citi-

zens

zens assaulted the Bishop's House upon it, and the Chancellor thereupon concurring with the Treasurer to have the Mayor, Aldermen, and several of the most Substantial Citizens, Arrested for the Riot, this gave the King a Handle to seize upon the Liberties of the City, and to appoint a Warden to govern it. The Archbishop exercised the Office of Lord Chancellor above Five Years this second time; but being laid by again in 1397, tho' the Year before he had been translated from *York* to *Canterbury*, he had the Seal deliver'd to him a third time, in the 8th of *Henry* IV. *Anno* 1407, was dispossessed of it in 1410, having held it about Four Years, and died on the 20th of *February*, 1413. I had almost forgot to observe that *Thomas* was the Son of *Robert*, Earl of *Arundel* and *Waren*, and that he had been Archdeacon of *Taunton* when he was scarce 22 Years of Age. It must in like manner be remembred that this *Arundel* is the same Archbishop, who in a Parliament, got to King *Richard* II's Mind, and begun at *Westminster* on the 17th of *September*, 1397, was accused of High Treason by Sir *John Bushy*, Speaker; and when the Archbishop began to answer for himself, the Speaker intreated the King that this might not be allowed him, lest he might by his Subtilty and great Wit bring Persons over to believe him; so that he was forced to remain silent, and being at last condemned to perpetual Banishment, was ordered to leave the Kingdom within the Compass of Six Weeks: The Archbishop in his Exile having frequent Opportunities to converse with the Duke of *Hereford*, likewise under Sentence of Banishment, highly aggravating to him the Grievances of King *Richard*'s Government, was a main Instrument to perswade the Duke to set up for the Crown,

and

and attended him in his Expedition, he being the Perſon who at laſt crowned him King of *England*.

1397. KING *Richard* on the 23d of *November*, in the 20th Year of his Reign, was pleaſed to make *Edmund Stafford*, Son of *Ralph*, Earl of *Stafford*, Biſhop of *Exeter*, Keeper of the Great Seal: I find nothing Memorable concerning this Biſhop and Lord-Keeper, only ſome ſay *Exeter-Colledge* had its Name from him, to which he was a Benefactor. It ſeems he was at firſt no Favourer of the Cauſe of *Henry* IV. for that King, in the beginning of his Reign, *viz.* on the 15th of *November* 1400, diſplaced him, and made *John de Searle*, called by others Sir *John Searle*, Keeper of the Chancery-Rolls, Lord Keeper in his Stead: However, *Edmund*, by what Means I know not, got into Favour again, and on the 9th of *March* 1401. was conſtituted Chancellor and Keeper of the Seal, which he held about Three Years, and died on the 4th of *September* 1419.

1404. THIS Year the King was pleaſed to make *Henry Beaufort*, Biſhop of *Lincoln*, his half Brother, he being the Son of *John* of *Gaunt*, Duke of *Lancaſter*, by *Katherine Swinford*, and made Legitimate by Act of Parliament, Lord Chancellor, which Office he held for the preſent but a ſhort time, but in the firſt Year of *Henry* V. 1414, his Nephew, he being then Biſhop of *Wincheſter*, was made Chancellor, and Keeper of the Seal again, and held it this time about Four Years; but it being once more taken away, it was his Fortune the third Time to have that Great Office conferred upon him on the 16th of *July* 1424, in the Second Year of *Henry*

Henry VI. This Gentleman had ſtudied in the Univerſities of *Oxford* and *Aix la Chapelle*, was made Biſhop of *Lincoln* in 1397, and of *VVincheſter* in 1404. He went Ambaſſador into *France* in 1414, and in the Year 1426 Pope *Martin* V. ſent him a Cardinal's Hat. He was then returned into *England*, and by his Intereſt procured *James* I. King of *Scotland*, his Liberty, who was there a Priſoner. He oppos'd the Project of his Nephew, King *Henry* V. for raiſing new Tenths upon the Eſtates of the Clergy. This Deſign fell by the Cardinal's Intereſt; and to ſhew his Inclination to the King's Service, he preſented him with 2000 *l.* Sterling. The Cardinal in 1431 accompanied young King *Henry* VI. into *France*, and in *November* that Year Crown'd him King of *France* in the Church of *Notredame* at *Paris*. Afterwards he endeavour'd the Reconciliation of the Dukes of *Burgundy* and *Bedford*; but their private Deſigns were ſo different that he could not compaſs it: At laſt being advanced in Years, he retired to *VVincheſter*, where he founded an Hoſpital, and died on the 11th of *April* 1447, leaving the Reputation behind him of an Able Miniſter of State.

BEAUFORT, the firſt time he was Chancellor was ſucceeded in the 6th of *Henry* IV. by *Thomas Langley*, Biſhop of *Durham*, who held the Seal about Two Years for the preſent, came to it again on the 23d of *July*, in the 5th of *Henry* V. 1418, and holding the ſame Dignity till the 1ſt of *Henry* VI. he was then conſtituted Lord Chancellor by the Advice and Conſent of the whole Council of the Nation in Parliament aſſembled. This Biſhop was made a Cardinal on the 6th of *June* 1411. by Pope 1404.

Pope *John* XXIII. and having been Chancellor this laſt time about a Year, he died in 1437.

1410. *JOHN VVakering*, Clerk, Keeper of the Chancery Rolls, had the Great Seal put into his Cuſtody on the 19th of *January*, in the 11th of *Henry* IV; but he held it only a few Days; for Sir *Thomas Beaufort*, Knt. Son of *John* of *Gheunt*, Duke of *Lancaſter*, by *Katherine Swinford*, was made Chancellor, and had the Great Seal delivered to him on the 31ſt of the ſame Month: This Gentleman in the Reign of King *Richard* was generally an Oppoſer of his Ill Government: He was firſt created by that Prince Earl of *Somerſet*, by *Henry* IV. Marquiſs of *Dorſet*, and laſt of all Duke of *Exeter*. He held the Great Seal till the Death of *Henry* IV. when his Brother, the Biſhop of *Wincheſter*, was made Chancellor, as aforeſaid; he was engaged in the War of *Hen.* V. in *France*; and when his young Son *Henry* VI. came to the Crown, the Guard of his Perſon was committed to this Right Noble *Thomas*, Duke of *Exeter*, who demeaned himſelf very prudently in his Office: But dying at *Eaſt-Greenwich* in *Kent*, in 1425, it ſeems without Iſſue, he left the King his Heir, and his Place was preſently ſupply'd by the Earl of *Warwick*.

I need not repeat what has been ſaid of the Cardinal of *Wincheſter* having the Seal in the Firſt of *Henry* V. It muſt be noted that in the 4th of that King's Reign, on the 4th of *September*, 1417. *Simon Garnſtede*, Clerk, and Maſter of the Rolls, had the Great Seal committed to his Cuſtody; but he holding the ſame no longer than the 12th of *October* following, the Cardinal had it again.

IN

IN the 4th of *Henry* VI. *John Kemp*, then Biſhop of *London*, was made Chancellor of *England* in the Month of *March*. It's ſaid he was Born in the County of *Kent*, and Educated at *Merton-College* in *Oxford*, where he commenced Doctor of Laws. He was afterwards firſt made Archdeacon of *Durham*, then Dean of the Arches, and the Archbiſhop's Vicar-General. He was in 1418 conſecrated Biſhop of *Rocheſter*, from thence tranſlated to *Chicheſter* in 1422, and from that See to *London* the ſame Year: He had the Biſhoprick of *York* conferred upon him in 1425, tho' not without ſome Conteſt between the Monks there and the Pope about it. But in 1439, on the 18th Day of *December*, he was created Cardinal by the Title of St. *Albinus*, which afterwards, when he came to the Archbiſhoprick of *Canterbury*, he changed for that of St. *Ruſinus*: He was advanced to the See of *Canterbury* in 1462. He continued not Chancellor above Six Years the firſt time, but he came to the Seal again in the 28th of *Henry* VI. on the 31ſt of *January*, 1450, he then being Archbiſhop of *York*, and Cardinal, and performed the Office of Chancellor for about Four Years longer. He was not Archbiſhop of *Canterbury* above a Year and an half; for being old, and full of Days, he died on the 22d of *March*, 1453. 1425. 1450.

SOMEBODY thought fit to comprehend his Eccleſiaſtical Preferments in this Line.

Bis primas, ter præſes & bis Cardinale Functus.

THIS Prelate was reckoned among the Chief Benefactors of the Univerſity of *Oxford*, tho' what he did for it is not very obvious: He was

was very Rich when he died, and in his Life-time had very much contributed to the enriching of his Relations.

1432. KEMP was the first time succeeded in the Office of Chancellor by *John Stafford*, Bishop of *Bath*, having received the Seal into his Hands *February* 28th in the 10th of *Henry* VI. This Gentleman was the Son of the Earl of *Stafford*, Born at a Place call'd *Hook* in *Dorsetshire*, and brought up at *Oxford*, where he proceeded Doctor of Laws, and had the Reputation of being a Learned Person. He practised as Doctor for a time, but *Chischeley*, Archbishop of *Canterbury*, taking Notice of his Abilities, made him Dean of the Arches, and by his Interest it was that he obtained the Deanary of St. *Martin*, and the Prebend of *Milton*, in the Church of *Lincoln*: He being much beloved by *Henry* V. was made Dean of *Wells*, Prebend of *Sarum*, and Keeper of the Privy Seal. In the last Year of that King he was constituted Treasurer of *England*: But that Hero immaturely dying, tho' he seemed to have been deprived of his best Patron, yet he was made Bishop of *Bath* and *VVells* in 1425. He was translated to the See of *Canterbury* in 1443, and held the Office of Chancellor for Eighteen Years together; only we read that *John Frank*, Keeper of the Rolls, received of *John Stopingdon*, Clerk, the Great Seal, to make use of the same, but on the Part of the Lord Chancellor: He died at *Maidston* in *Kent*, *July* 6. 1452, and his Successor, both as to the Chancellorship, and the Archbishoprick of *Canterbury*, was *John Kemp*, before-mentioned.

IN

IN the 32d of *Henry* V. on the Second Day of *April*, *Richard Nevill*, Earl of *Salisbury*, was made Lord Chancellor of *England:* This Earl, among others, early eſpouſed the Intereſt and Claim of *Richard* Duke of *York* to the Crown of this Realm; and having contributed his Aſſiſtance to get him made Protector of the King's Perſon, and of the Kingdom, they were vigorouſly oppoſed by the Queen and the Duke of *Somerſet:* This *Richard*, Earl of *Salisbury*, was Eldeſt Son to *Ralph*, Earl of *Weſtmoreland*. He had been Warden of the Weſt Marſhes towards *Scotland* in the Firſt and Second Years of *Henry* VI. and one of the Commiſſioners to treat with King *James* I. of *Scotland* about a firm Peace: And Marrying *Alice*, Daughter and Heir to *Thomas de Montacute*, Earl of *Salisbury*, had that Title. In the Eleventh of *Henry* VI. he was made Warden both of the Eaſt and Weſt Marſhes, and in the Fourteenth of the ſame Reign returned to ſerve in *France*, with Seven Knights, Two Hundred Forty-nine Men at Arms, and 1046 Archers: He was made Governour of *Carliſle*, and with his Son *Richard*, the Great Earl of *Warwick*, had the Grant of 9083 *l.* 6 *s.* 8 *d. per Ann.* out of the Cuſtoms. 1454.

THE Earl, by ſiding with the *York* Faction, could not long enjoy the Great Seal, it being alledged againſt him, that the Great Seal was indeed never delivered to him; ſince the ſame that was then uſed had been made ſince the King's Reſtraint, and therefore was not valid: This made him the more tenaciouſly adhere to the Intereſt of the Houſe of *York*; and taking up Arms on that Side in the Thirty-ſixth of *Henry* VI. he defeated the King's

 Forces

Forces at *Bloreheath*, near *Drayton* in *Shropſhire*: The Old Soldiers in the Thirty-eighth of *Henry* VI. having deſerted the Duke of *York*, he fled to *Calais*, and was Attainted in the Parliament held at *Coventry*. But adventuring again with the Duke of *York* into *England*, and obtaining a notable Victory againſt the *Lancaſterians* at *Northampton*, he was made Lord Great Chamberlain of *England*: But a little while after he was Taken in a Battle againſt *Henry* VI. near *Wakefield*, his Son, Sir *Thomas*, Slain, he himſelf Beheaded, and his Head ſet upon a Pole over one of the Gates of *York*.

THIS great Earl's Sons were the Famous *Richard*, Earl of *Warwick*, and after his Fathers Deceaſe Earl of *Salisbury*, *John*, Marquiſs of *Mountague*, Sir *Thomas*, *George*, Biſhop of *Exeter*, and afterwards Archbiſhop of *York*. His Daughters were *Joan*, married to *William Fitz-Allan*, Earl of *Arundel*, *Cicily* to *Henry Beauchamp*, Earl of *Warwick*, *Alice* to *Henry*, Lord *Fitzhugh* of *Ravenſrath*, *Eleanor* to *Thomas Stanley*, the firſt Earl of *Derby* of that Name, *Katherine* to *John de Vere*, Earl of *Oxford*, and afterwards to *William*, Lord *Haſtings*, Chamberlain to King *Edward* IV.

1455. THE Earl of *Salisbury* was ſucceeded in the Chancellorſhip by *Thomas Bourchier*, Archbiſhop of *Canterbury*, who had the Great Seal delivered to him on the 7th of *March*, in the Thirty-third of *Henry* III. He was the Son of *Henry Bourchier*, Earl of *Eſſex*, Born in the latter End of the 14th Century: He was Educated at *Oxford*, of which Univerſity he was made Chancellor in 1434. He was firſt preferred to the

the Deanery of St. *Martins*, then to the Biſhoprick of *Worceſter*, from whence he was Tranſlated to *Ely*, and from thence to *Canterbury*, in 1455: The Dignity of Lord Chancellor he held ſomewhat above Two Years.

UPON the Death of King *Edward* the Fourth, *Thomas*, Lord Archbiſhop of *York*, *John*, Lord Biſhop of *Lincoln*, *Edward*, Lord Biſhop of *Chicheſter*, *John*, Lord Biſhop of *Ely*, *William*, Lord *Haſtings*, *Thomas*, Lord *Stanley*, and Sir *Thomas Montmery*, Knt. Executors to that King, exhibited his Will to the Archbiſhop of *Canterbury*, and deſired Time of him to conſider whether they ſhould act in the Executorſhip, or refuſe it; the Archbiſhop granting them this their Requeſt, put the King's Goods, &c. by Way of Sequeſtration, into the Hands of *William Dawbeny*, *Richard Laurence*, and *Robert Foſter*, in the Preſence of almoſt all the Lords Spiritual and Temporal of the Kingdom, in whoſe Hands the Goods were to remain, till the Lords abovenamed came to a Reſolution. As for the Great Seal, the Privy Seal, and the Seal Manual, the Archbiſhop kept them in his own Cuſtody: In the mean time the Executors were allowed by the Archbiſhop to make Sale of ſo much of the Goods as were ſufficient to defray the Funeral Charges, the reſt of them being ſtill kept under Sequeſtration: This Archbiſhop was made a Cardinal in 1464, and died in 1486.

ARCHBISHOP *Bourchier* was ſucceeded in the Office of Lord Chancellor by *William Wykham*, Biſhop of *Wincheſter*, who had the Seal delivered to him on the 11th of *October*, in the Thirty-fifth Year of *Henry* VI. Who this *Wykham* was otherwiſe I cannot trace 1457.

by any Footſteps I can meet with, or whether he was any ways akin to the Famous *William* of *Wickam*, Biſhop of *Wincheſter*, whoſe Life has been already given, ſhall be no Subject of our Inquiry at this time.

ONLY 'tis highly probable that *Dugdale* miſtakes the Name, and that inſtead of *William Wykham*, it ſhould have been *William Waynfleet*, Provoſt of *Eaton* Colledge, then newly Founded by *Henry* VI. This Gentleman was the eldeſt Son of *Richard Pattin*, of an Illuſtrious Extraction, and took the Name of *Waynfleet* from the Cuſtom of the Monks of thoſe Times, who uſually fixed that of the Place of their Nativity upon them: He was Bred in *Wickham* Colledges, firſt at *Wincheſter*, afterwards at *Oxford*, till he became Maſter of *Wincheſter* School for Twelve Years together, when removed to *Eaton*, he came to the Biſhoprick of *Wincheſter* on *July* 30, 1447, and preſided Thirty-nine Years over that See: He ſtuck cloſe to the Intereſt of his good Patron, *Henry* VI. ſo that he was frowned upon by *Edward* IV. However, this Prelate amaſſed Money enough to Build, and nobly to Endow, *Magdalen* Colledge in *Oxford*. He died on the 11th of *Auguſt* 1486, after, to his great Joy, he ſaw the Houſe of *Lancaſter* reſtored in the Perſon of *Henry* VII. It's poſſible ſome might call him by the Name of *Wickham*, becauſe he had ſo much to do, in Point of Education, and otherwiſe, with thoſe Schools Built by *William* of *Wickham*; beſides that, he was his Succeſſor in the Biſhoprick of *Wincheſter*, and only *Henry Beaufort* between them. *Goodwin* ſays he was Chancellor almoſt Nine Years, *viz.* from the 11th of *October* 1449, to the

7th

7th of *July* 1458, but that he quitted the Office a little before the Battle of *Northampton*, and voluntarily surrendred up the Great Seal to the King: But certainly, if *Dugdale*'s *Chronica Series*, and others of our Historians, have any Truth in them, *John*, Cardinal and Archbishop of *York*, *Richard*, Earl of *Salisbury*, and *Thomas Bourchier*, Archbishop of *Canterbury*, must in their Turns have acted as Chancellors for some part of this time.

THE Great Seal came on the 25th of *July*, in the Thirty-eighth of *Henry* VI. to be delivered to the Custody of *George Nevill*, Bishop of *Exeter*, and afterwards Archbishop of *York*: This Gentleman was Brother to *Richard Nevill*, the Great Earl of *Warwick*, and Born in the 15th Century: He studied in *Baliol* College in *Oxford*, and was Chancellor of that University: He was Consecrated Bishop of *Exeter* in *November* 1455, and was not Thirty Years of Age, when made Lord Chancellor of *England*. 1460

HE continued in this Post till 1464, (saith my Author,) tho' I do not find the Place filled up till 1468: That is, he was Chancellor till *Edward* IV. Married the Lady *Gray*, by which Match the King being conscious he had disgusted the Earl, his Brother, then Ambassador in *France*, and treating a Marriage for his Master at that Court, thought it advisable to weaken the Earl of *Warwick*'s Interest, which made him remove his Brother, the Bishop, from his Office of Chancellor: Notwithstanding the Bishop's being in Disfavour at Court, he was promoted to the Archbishoprick of *York* in 1466, which

he kept to his Death; tho' not without conſiderable Traverſes of Fortune. When King *Edward* had the Misfortune to be taken Priſoner, he remained for ſome time in the Cuſtody of this Archbiſhop, who, it muſt be allowed, uſed the King with great Reſpect, not reſtraining him from the Diverſions of Hunting, and walking Abroad, by which means *Edward* made his Eſcape, and ſoon after recovered his Crown. Upon that Succeſs the Archbiſhop was ſurprized in his Palace at *London*, and ſent to the *Tower*, but was not long after ſet at Liberty.

ABOUT a Year after this Enlargement the King had him Arreſted for High Treaſon, Seized his Plate, Money, and Furniture, to the Value of Twenty Thouſand Pounds, ſending him to *Calais*, where he was kept Priſoner. Amongſt other Rich Moveables taken from him, there was his Mitre, of an Immenſe Value in Jewels, which the King ordered to be broken, and worked up into a Crown. This Misfortune befel the Archbiſhop in 1472; he was reſtored to his Liberty in 1476 by the Intereſt of his Friends, and died ſoon after. In this Archbiſhop's Time Pope *Sextus* IV. made the Biſhop of St. *Andrew* Primate of all *Scotland*, and put Twelve Biſhops under his Juriſdiction. *Scotland* till that time belonged to the Province of *York*: The Entertainment at the Inſtalment of this Prelate was remarkably Magnificent, and is mentioned by divers Hiſtorians.

1468. SOME time after the Great Seal was taken from Archbiſhop *Nevill*, it was on the 8th of *June*, in the Seventh Year of *Edward* IV. committed to the Cuſtody of *Robert Stillington*, Biſhop

Biſhop of *Bath* and *Wells*, with the Title of Lord Chancellor.

THIS Perſon ſtudied at *Oxford*, and proceeded there to the Degree of Dr. of Laws, became Archdeacon of *Taunton*, firſt Keeper of the Privy Seal, and then Lord Chancellor: He was made Biſhop of *Bath* and *Wells* in *April* 1465, and met with Variety of Fortune under different Princes. He was much in Favour with *Edward* IV. who imployed him in ſeveral Embaſſies, and more particularly in one to the Duke of *Bretagne*, to perſwade him to give up the Earl of *Richmond*, Heir of the *Lancaſtrian* Family, and afterwards King of *England*: *Stillington* left nothing uneſſay'd to accompliſh it, tho' in vain. He fell in too much with the Intereſt of *Richard* III. and was one of his Supporters at the Coronation: So that he muſt expect no Countenance after all this, upon the Coming in of *Henry* VII. whom he ſtill offended to a higher Degree, by promoting the Impoſture and Rebellion of *Lambert Simnel*, who took upon him to be Earl of *Warwick*, and Heir to the Houſe of *York*. He endeavoured to conceal himſelf at *Oxford*, but being detected, the Univerſity at laſt was induced, or rather connived, to have him delivered to the King's Officers, who in *October* 1487 Conducted him to *Windſor*, where he remained a Priſoner to his Death, which hapned in *June* 1491.

STILLINGTON was ſucceeded by *John Alcock*, then Biſhop of *Rocheſter*, who was made Keeper of the Great Seal on the 20th of *September*, in the 12th Year of *Edward* IV. He was Born at *Beverley*, in the 1473.

County of *York*, Bred at *Cambridge*, and from Dean of *Weſtminſter*, in 1471, made Biſhop of *Rocheſter*; from whence he was Tranſlated to *Worceſter* in 1476, and made Preſident of *Wales*: He came in 1486 to be Biſhop of *Ely*, and in the firſt Year of *Henry* VII. was made again Chancellor, tho' he continued but a ſhort time in that high Station, he being Tranſlated from this to another Life on the 1ſt of *October*, *Anno* 1500. *Bale* gives him a great Character for his Piety, Abſtinence, and other Religious Mortifications: He Built a Chapel at *Beverley*, Founded a Chantry for his Parents, and turned St. *Radegunda*'s Old Nunnery at *Cambridge*, firſt Founded by *Malcolm*, King of *Scots*, into a New College, called *Jeſus-Colledge*.

1474. THE next Chancellor was *Laurence Booth*, Biſhop of *Durham*, who came to the Seal on the 5th of *June*, in the Thirteenth of *Edward* IV. He was Maſter of *Pembroke-Hall* in *Cambridge*, and a Liberal Benefactor to it. He was alſo Chancellor of that Univerſity: They made him Biſhop of *Durham* on the 25th of *September* 1357, and after Twenty Years Preſiding there, he was Tranſlated to *York* in 1477. *Goodwin* makes him Chancellor in the Month of *Auguſt* 1472. but I rather follow *Dugdale*'s *Chronica Series*, and place him in 1474. He died at *Southwell*, after he had preſided over the Province of *York* Three Years and Nine Months.

1475. IN the Fourteenth Year of *Edward* IV. *Thomas Rotheram*, then Biſhop of *Lincoln*, but afterwards Archbiſhop of *York*, was made Lord

Lord Chancellor of *England*. His Name was *Stot*, and being Born at *Rotheram*, a Market Town in the West Riding of *Yorkshire*, he took his Sirname from it.

HE first studied at *Cambridge*, and became Master of *Pembroke-Hall* in that University, of which he was also Chancellor: He was made Bishop of *Rochester* in 1464, Translated to *Lincoln* in 1471, and from thence to *York* in 1480.

UPON the Death of *Edward* IV. the Queen Dowager, with her Beloved Son, *Richard* and Five Daughters, taking Sanctuary at *Westminster*, for fear they should fall into the Hands of their Cruel Unkle *Richard*, Duke of *Gloucester*, the Lord Chamberlain sent a Messenger to the Lord Chancellor *Rotheram*, to assure him there was no manner of Danger to the King and the Royal Issue, and all should be well; to which the other replied, *Be it as well as it will, I assure him it will never be so well as we have seen it.* Then going away by Night, with the Great Seal along with him, to the Queen, unadvisedly delivered it to her Majesty, but repenting his Mistake, sent for it, and had it again. This Archbishop was the Person imploy'd to the Queen to perswade her to send her Young Son, the Duke of *York*, to keep the King, his Brother, Company; and having used many Arguments to her in order to it, she took her Child at last by the Hand, and said, *My Lord Archbishop, here he is, for my own Part I can never deliver him, but if you will needs have him, take him, I will require him of your Hands.* The unhappy *Exit* of the Two Young Princes is not to be recounted here; what the Archbishop did in

respect

respect to the youngest seems to have been well, and honestly meant, and so can be no Stain upon his Memory.

THE Seal was taken from Archbishop *Rotheram* in the First of King *Richard* III. and himself imprison'd. He died at *Cawood* in 1500, aged 76. He was one of the Founders of *Lincoln-Colledge* in *Oxford*, and shew'd his Affection to the Place of his Nativity, by Building likewise a Colledge there, with Three Schools, for Grammar, Writing, and Musick.

1484. *ROTHERAM* being out, the Great Seal was on the 26th of *November* this Year delivered to *John Russell*, or *Rossell*, Bishop of *Lincoln*, the most Learned Man of his Time. He was Doctor of Divinity, and preferred first to be Archdeacon of *Berks*. His Piety, Wisdom, Experience, and uncommon Learning, are much Celebrated by Sir *Thomas Moor*: He was the first Chancellor of the University of *Oxford* for Life: The most considerable of his Works are upon the *Canticles*: *De potestate summi Pontificis & Imperatoris*, &c. he died at his Mannor of *Nettlebam*, *July* 3d, 1490.

1485. *RUSSEL* had not been Chancellor Two Years when the Great Seal was taken from him, and committed into the Custody of *Thomas Barrow*, Master of the Rolls, with the Title of Keeper, on the First Day of *August*, in the Third of *Richard* III. But King *Richard*'s Reign being not long-lived, we meet with nothing Memorable of this *Barrow*, only it must be to him, as I take it, that the King wrote

wrote a Letter with his own Hand, which is ſtill to be ſeen in the *Tower* of *London*, requiring him to ſend him the Great Seal, a little before he was to go and encounter the Earl of *Richmond*, who afterwards diſpoſſeſt him of his Life and Crown in the Battle of *Boſworth-Fields*.

ALCOCK, who was the Firſt Chancellor to *Henry* VII. being after a few Months time deprived of his Life, as before noted, and the great Seal together, the ſame on the 8th of *Auguſt*, in the Second Year of King *Henry*'s Reign, was delivered into the Cuſtody of *John Morton*, Archbiſhop of *Canterbury*, with the Title of Lord Chancellor of *England*. This Gentleman was Born at a Place called *Beer*, in *Dorſetſhire*, was very conſiderable in the Profeſſion of the Civil and Canon Law, and went out Doctor in that Faculty at *Oxford*. He rendred himſelf ſo Eminent and Famous for his Pleading in *Doctors-Commons*, that he was thought well qualified for a Privy-Counſellor: He was recommended by *Thomas Bourchier*, Archbiſhop of *Canterbury*, before-mentioned, to King *Henry* VI. and got him in that King's Reign preferred to the Council Board; at which he behaved himſelf to ſo much Advantage, both as to his Integrity and Abilities, that King *Edward* IV. continued him in the ſame Poſt, upon his Acceſſion to the Throne. This Prince unhappily dying in 1483, and leaving his Sons, *Edward* V. and *Richard* Duke of *York*, under the Protection of his Cruel Brother *Richard*, Duke of *Glouceſter*, who proved ſo monſtrouſly Ungrateful as to make away with his Innocent Nephews, and Uſurp the Throne; he afterwards, notwithſtanding 1487.

withſtanding all his Artifices, found it impracticable to corrupt the Integrity of *Morton*, who was then Biſhop of *Ely*, and therefore he clapped him and ſeveral other great Lords into Priſon: The Prelate however making his Eſcape, he projected the Marriage between the Earl of *Richmond*, afterwards *Henry* VII. and the Princeſs *Elizabeth*, Daughter to *Edward* IV. and by that means proved the happy Inſtrument of uniting the Two divided Houſes of *York* and *Lancaſter*. The Biſhop was in like manner very ſerviceable in promoting the Cauſe and Succeſs of the Earl of *Richmond* againſt King *Richard* III. which latter being Slain in the Battle of *Boſworth-Fields*, and the former having now obtained the Crown of *England*, called home Biſhop *Morton*, who at that time reſided in the *Netherlands*, nominated him to the Archbiſhoprick of *Canterbury*, made him Lord Chancellor of *England*, as aforeſaid, and in 1494 procured him a Cardinal's Cap from Pope *Alexander* VI. This Great Man died in *October* 1501, leaving behind him the Character of a Learned Prelate, and a Great Stateſman.

1501. ARCHBISHOP and Cardinal *Morton* dying, as before remembred, King *Henry* on the 13th of *October* the ſame Year was pleaſed to deliver the Great Seal into the Cuſtody of *Henry Deane*, Biſhop of *Salisbury*, with the Title, I preſume, of Lord Keeper only: This was done at *Woodſtock*, and a little after the ſame *Henry* was made Archbiſhop of *Canterbury*, but he did not long ſurvive to enjoy either of thoſe Two Eminent Dignities; neither can I meet with any thing elſe, either

either Material or Remarkable, concerning him.

DEANE was ſucceeded by *William Warham*, Biſhop of *London*, Archbiſhop of *Canterbury* Elect, who had the Great Seal delivered to him on the 11th of *Auguſt* the ſame Year, and afterwards on the Firſt Day of *January* was nominated to be Lord Chancellor of *England*. This Gentleman, who was deſcended from a good Family, was Born at *Oakley* in *Hampſhire*, firſt Bred up at *Wincheſter* School, and afterwards in *New-Colledge* at *Oxford*, of which he was choſen Fellow. He went out in ſome time after Doctor of the Civil Law, was made Law-Profeſſor and Maſter of the Rolls by King *Henry* VIII. and acquitting himſelf in his reſpective Imployments with general Satisfaction and Applauſe, he was ſent Ambaſſador by that Prince to *Philip*, Duke of *Burgundy*, and at his return Home made Biſhop of *London*, and ſome time after Lord Chancellor, as already noted: He executed that Office ſeveral Years after his Tranſlation to the See of *Canterbury*. He had a great Eſteem for *Eraſmus*, who Dedicated his Edition of St. *Jerom* to him, and gave him a great Character. But the Archbiſhop finding at length *Wolſey*'s growing Fortune, and at the ſame time his Audacity, in intermedling with his Office of Chancellor more than he could well bear, he thought fit to reſign up the Great Seal into the King's Hands, I mean *Henry* VIII. in the Seventh Year of his Reign, and lived ſeveral Years after, Death not coming to a full Claim of his Property in him till the Year 1522. 1502.

THE

1516. THE Lord Chancellor *Warham* having reſigned the Seal, it was preſently debated in Council who ſhould have it and agreed it ſhould be delivered to *Thomas Wolſey*, Cardinal and Archbiſhop of *York*; and the ſame was done on the 7th of *December*, the King giving him with it the Title of Lord Chancellor. This Great-King *Cardinal*, as ſome have termed him, made ſuch a Figure for a time in the World, that 'tis fit we ſhould be ſomewhat more particular in our Account of him. He was a Man of a mean Extraction, (but no Butcher's Son, as *Cavendiſh*, one of his Family, aſſures us in his Life,) of *Ipſwich* in *Suffolk*, from which School being ſent to *Magdalen-Colledge* in *Oxford*, he became Batchellor of Arts at Fifteen Years of Age, and for that Reaſon was call'd the Boy-Batchellor, and was preferred to be Tutor to the Marquiſs of *Dorſet*'s Children: The Marquiſs dying, he went into *France*, where he became a Servant to Sir *James Nauphaunt*, then Treaſurer to the Town of *Calais*, and behaved himſelf ſo well, that his Maſter preferred him to King *Henry* VII. His Diligence and reſerved Temper made the King look upon him fit for Buſineſs and Truſt, both which he diſcovered in his Ambaſſie to the Emperor *Maximilian*, to the King's great Satisfaction, who beſtowed upon him at his Return the Deanery of *Lincoln*, and not long after made him Chief *Almoner*: *Henry*, Prince of *Wales*, coming afterwards to the Crown, the Favourite conformed himſelf ſo much to his Humour, that that King having taken *Tournay*, he beſtowed the Biſhoprick upon *Wolſey*, and ſome time after that of *Lincoln*; nay, that *Wolſey* might not be Inferiour to the

the Archbiſhop of *Canterbury*, he obtained him to be made a Cardinal, and *Legatus a Latere*, of the Pope, being about the ſame time advanced to the Archbiſhoprick of *York*, and the Chancellorſhip of *England*. In this Great Office being tired with hearing ſo many Cauſes himſelf, which were daily brought before him, he, by the King's Commiſſion, erects divers Under-Courts to hear Complaints, one of which was kept in *White-Hall*, another before the King's Almoner, a Third in the Lord Treaſurer's Lodgings near the Star-Chamber, and a Fourth at the Rolls, in the Afternoon, which Courts were much frequented for a time; but the People finding at length that the Sentences pronounced by them bound no Man by Law, they reſorted to the Common Law Courts in *Weſtminſter-Hall*.

THE Emperor *Charles* V. in his return from *Spain* landed on the Coaſt of *Kent*, where he was met by the Cardinal in great State; and the Emperor, knowing how uſeful he might be to his Service, in regard of the great Share he had in the Affections of the King his Maſter, gave him no ſmall Inſtances of his Reſpect. Tho' this did not laſt always; and it will not be unproper to mention in this Place the Malice of the Cardinal to *Edward Stafford*, Duke of *Buckingham*, who diſdaining to hold the Baſon to him after the King had waſhed, he Proſecuted the Duke ſo far with invented Crimes, that he got him Condemn'd and Beheaded for High-Treaſon, at the News whereof it was reported that the Emperor ſhould ſay, *The fineſt Buck in* England *was worried to Death by a Butcher's Dog.*

THE

THE Cardinal ſome time after this was ſent over to *Calais*, to mediate a Peace between the Emperor and the *French* King, and carried the Great Seal over with him, to the great Inconveniency of the Subject: For all Writs and Patents were to be Sealed by him there, and no Sheriff could be appointed by reaſon of his Abſence. He made a new League with the Emperor before his Return. *Charles* V. the Year following, *viz.* 1522, arriving at *Dover*, in his Way to *Spain*, the Cardinal attended him there in very great State.

THE Cardinal having for ſome time ſate at the Helm of Church and State, had always Two Croſſes on Pillars borne before him, whereever he went, by Two of the talleſt Prieſts that were to be found in the Kingdom. For the better Support of the Grandeur the Cardinal lived in, the King, beſides ſome things already mentioned, conferred upon him the Rich Biſhoprick of *Wincheſter*, and the Abbey of St. *Albans*, *in Commendam*, with which he held in Farm the Biſhopricks of *Bath*, *Worceſter*, and *Hereford*, enjoyed by Strangers incumbent, not reſiding in the Kingdom; and in this Capacity he kept Five Hundred Servants, among whom were Nine or Ten Lords, Fifteen Knights, and Forty Eſquires: But the Promotions of *England* being too little to ſatiate his Ambition, he aimed at *Rome*. The Emperor *Charles* V. who paid him Four and Twenty Thouſand Crowns a Year, was his Client, and a great many of the Cardinals his Penſioners: But his hopes being daſhed by the Election of *Adrian* VI. the Emperor's Maſter, after Pope *Leo* X. he fell off from the Intereſt of the *German* Emperor, to that of the *French* King;

King; and to promote his Revenge further that way, he endeavour'd to procure a Divorce between his Master *Henry* VIII. and Queen *Catherine*, the Emperor's Aunt. In this Resolution King *Henry* resolved to Marry Queen *Anne* of *Bullen*, and would not hear mention made of the Dutchess *Dowager* of *Alenson*, whom the Cardinal designed for him, to engage King *Francis* the more in his own Interest. *Wolsey* hereupon wrote to the Pope to oppose his Master's Designs, and to refuse the Dispensations he sought for, which the King being Advertised of by his Ambassadors at *Rome*, he confiscated all the Cardinal's Estate, and outed him of all his Places and Benefices, except the Archbishoprick of *York*, and the Bishoprick of *Winchester*, which he did not long enjoy neither.

THE House of Lords having formed certain Articles against him, sent them down to the House of Commons, the chief of which were these.

FIRST, that without the King's Assent he had procured himself to be a Legate, by reason of which he took away the Right of all Bishops and Spiritual Persons.

SECONDLY, that in all his Letters transmitted to *Rome*, or any foreign Princes, he stil'd himself, *Ego & Rex meus*, *I and my King*; thereby preferring himself before the King.

THIRDLY, That without the King's Assent he carried the Great Seal of *England* with him into *Flanders*.

FOURTHLY, That having the *French* Pox upon him, he presumed to come and breathe upon the King. [*An Article that would seem very ridiculous in our Days.*]

FIFTHLY, That he had caused the Cardinal's Hat to be put on the King's Coin.

SIXTHLY, That he would not suffer the King's Clerk of the Market to sit at St. *Albans*.

SEVENTHLY, That he had remitted a vast Treasure to *Rome* for purchasing of his Dignity.

THESE Articles were read in the House, and if not otherwise proved, yet afterwards confessed under the Cardinal's own Hand, which added to the former *Premunire*. The King had before this, even upon the first Intimation he had of the Cardinal's crossing his Divorce at *Rome*, sent the Dukes of *Norfolk* and *Suffolk* to him for the Great Seal, which yet he would not deliver into their Hands till they brought him a Warrant Signed by the King himself for it; after which he retired to *Asher*, a Seat of his near *Hampton Court*. But his Enemies apprehending that if he continued so near the Court, he might at one Time or another get Access into the King's Presence, and be again received into Favour, they resolved to have him removed farther off, and so got the King to command him to retire to *York*, and not to presume to come Southward from thence without his particular Leave. The Cardinal in *Lent* made great Preparations for his Journey, and having a Train of One Hundred and Threescore Persons, by easie Journeys reached to *Peterborough*, and there kept his *Easter*; from thence he moved to *Stamford*: He continued the greatest Part of the Summer at *Cawood-Castle*, within Seven Miles of *York*; he kept open House, and laid out a great deal of Money to repair the Castle: At last being resolved to be Installed at *York*, and having made

made great Preparations accordingly, the Cardinal apply'd to the King, to desire him to send him the Mitre and Pall, which he was wont to wear upon any Great Solemnity. The King was not a little moved with his Presumption, saying to those about him, *What a strange thing is this, that so much Pride should Reign in a Man that is quite trod under Foot!* But before the Day came of his being Installed he was Arrested in this manner.

SIR *Walter Walsh*, Gentleman of the Privy Chamber, was sent down to the Earl of *Northumberland*, with whom he was joined in Commission to seize the Cardinal, and being both got into the House, Word was brought the Cardinal that the Earl of *Northumberland* was there in the Hall, upon which, said the Cardinal, *I am sorry we have Dined, for I doubt we are not provided to entertain him.* With that he complimented him after such a manner as if he had only come to give him a Visit; but being got into the Room, the Earl laying his Hand upon the Cardinal's Arms, said softly to him, *My Lord, I Arrest you of High Treason.* The Cardinal in some Surprize asked for his Commission, which the other refusing to shew; then said the Cardinal, *I will not submit to the Arrest.* But Sir *Walter Walsh* coming in at that Instant, and kneeling down before the Cardinal, who asked him if he was joined in Commission with the Earl, and the other answering in the Affirmative. *Well*, said the Cardinal, *I suppose you are a Gentleman of the King's Privy Chamber, and that your Name is* Walsh. *I am willing to surrender my self to you, but not to my Lord* Northumberland, *unless I see his Commission, since the meanest Person of*

the King's Privy Chamber is qualified by the King's Command, without any other Commiſſion to Arreſt the greateſt Peer of the Realm: Then the Earl taking the Cardinal's Keys from him, put him into the Cuſtody of ſome of his Attendants. A few Days after he was conveyed from *Catwood* to *Pomfret*, and from thence to *Sheffield Park*, where he was very well Entertained by the Earl of *Shrewsbury* Eighteen Days together: Here it was that he firſt ſickned; however, he went forward for *Nottingham*, but by the time he came to *Leiceſter Abbey* he grew ſo ill that he was ready to fall off from his Mule: Being met at the Gate by the Abbot and whole Convent, he told the Abbot he was come thither to lay his Bones amongſt them; and the Lieutenant of the *Tower*, who was ſent to bring him up to *London*, returned without his Priſoner, Death having ſeized on him there in 1531, and the Sixtieth Year of his Age. The Cardinal's laſt Words were ſaid to be theſe, *Had I ſerved the God of Heaven as faithfully as I did my Maſter on Earth, he had not forſaken me in my Old Age, as the other hath done*; adding, *That this is the juſt Reward that I muſt receive for my Pains and Study, not regarding my Service to God, but only my Reſpect to the King.*

THUS fell this great Favourite, who was once look'd upon as the Arbiter of *Europe*, whoſe Yearly Income equalled, if it did not exceed, the Revenues of the Crown. The Cardinal was ſo exact in the Honourable Circumſtances of Addreſs, that he would not abate the the *French* Kings a Step in their Approaches: This Cardinal, whatever Propenſity he might otherwiſe have to the Church of *Rome*, gave

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the first Blow to Religious Houses, by Erecting his Cardinal Colledge, now called *Christ's-Church*, and procuring the Pope's Leave to turn Forty small Monasteries into his Colledge of *Ipswich*; besides these, he left other Monuments of his Fame, *viz. Whitehall* and *Hampton-Court.*

THE Lord *Herbert*, in his Character of this Great Man, says, that his Learning was far from being exact, the same consisting chiefly in the Subtilties of the *Thomists*; that his Stile in Missives was rather Copious than Eloquent, yet ever tending to the Point; and concludes, that during the time he was a Favourite Things succeeded better than they had done afterwards, tho' it might be doubted whether the Impressions he gave did not occasion divers Irregularities, which were observed to follow the same. The said Lord *Herbert* further adds, that this Cardinal was remarkable for keeping his Word, and for the Equity of his Decrees in Chancery. Doctor *Corbet* of his own Colledge complains thus of his hard Fate, and the Meaness of his Burying-place.

And tho' from his own Store Wolsey *might have*
A Palace or a Colledge for his Grave,
Yet here he lyes Interr'd as if that all
Of him to be remembred were his Fall;
Nothing but Earth to Earth, nor pompous (*Weight*
Upon him, but a Pebble or a Quoit.
If thou art thus neglected, what shall we
Hope after Death, that were but Shreds of (*Thee.*

HAVING done with this Great Cardinal, his Successor in the Chancellorship of *England* 1530.

was Sir *Thomas Moor*, Kt. to whom the Great Seal was delivered on the 25th of *October*, in the 21st of *Henry* VIII's Reign, he being the first Layman that had the Custody of it, and the King's Conscience, in the Memory of any one living. This Gentleman, the Son of Sir *John Moor*, Knt. sometime one of the Judges of the *King's-Bench*, was Born in *Milk-street* within the City of *London*, in the Year 1480: He was Bred in Grammar Learning in St. *Anthony*'s School there, and afterwards received into the Family of Cardinal *John Morton*, Archbishop of *Canterbury*, meerly upon Account of the Towardliness of his Person, and the promising Hopes there was of him from the Pregnancy of his Parts. The same Cardinal was pleased to send him soon after to the University of *Oxford*, where *Grocinus* read publickly the *Greek* Tongue, whom *Moor* constantly heard, and became a great Proficient in that Language, and indeed in most other Parts of Learning, by the Care of *Linacer*, his Tutor. From *Oxford* he returned to an Inn of Chancery in *London*, called *New-Inn*, and from thence he removed to *Lincolns-Inn*, where easily Mastering those Studies, he was at length called to the Bar.

HE after grew into great Favour with *Henry* VIII. who indeed highly valued him for his Learning, Wisdom, Experience, and the Extraordinary Gifts of Nature, wherewith he was Endow'd; and that Prince conferr'd these Honours and Employments successively upon him, *viz.* the Mastership of the Requests, the Honour of Knighthood, the Treasurership of the Exchequer, Chancellor of the Dutchy of *Lancaster*, the Embassage to the Emperor, and the King

King of *France*, and at length, he being at that very time Speaker of the Houſe of Commons, was made Lord High Chancellor of *England*; in which laſt and great Office no Body ever carried himſelf with more Uprightneſs and Integrity, or with a greater Approbation from the generality of the People, than he.

SIR *Thomas* on the 20th of *May* 1533 thought fit to deliver up the Great Seal to the King, at his Mannor-Houſe, called *York-Place*, near *Weſtminſter*, upon the Foreſight of ſome things which he did not like that were to come to paſs. Cardinal *Wolſey* was on his part not ſo reſerved as Sir *Thomas Moor* was free and open to the meaneſt Perſons. When his own Sons complained how little they got under him, *I will do Juſtice*, ſaid he, *for your ſake to any Man, and will leave you a Bleſſing:* No *Supena* was granted but what he ſaw, no Order but what he peruſed; neither could the King or the Queen corrupt him; nor the whole Church in Convocation aſſembled faſten any Miſmanagement upon him; in ſhort, he diſcharged his Truſt with ſo much Integrity and Dexterity, that he did not leave one Cauſe in the Court of Chancery undecided.

HIS Apothegms were grounded upon Judgment and Experience; he would ſay, 1. *The World is undone by looking on Things at a Diſtance.* 2. *To aim at Honour here is to ſet a Coat of Arms over a Priſon Gate.* 3. *He that is covetous when he is Old, is like a Thief that Steals when he is going to the Gallows.* 4. *The greateſt Puniſhment in the World was to have our Wiſhes.* 5. *We go to Hell with more Pains than we might go to Heaven with.* 6. *The more of any thing we have but Riches,*

the more Good we are. 7. *Who would not ſend his Alms to Heaven? Who would not ſend his Eſtate where he is to be Baniſhed?* When any were guilty of detracting others at his Table, he ſaid, *Let any Man think as he pleaſeth, I like this Room well:* He wiſhed Three Things to Chriſtendom. 1. *An univerſal Peace.* 2. *An uniform Religion.* And, 3. *A Reformation rather of Lives than of Religion.*

MR. *Cambden* relates of this Great Man that he was wont to compare the great Number of 'Women to be choſen for Wives to a Bag full of 'Snakes, having among them but one Eel, that 'if a Man put his Hand into that Bag he might 'chance to light of an Eel, but it was an Hun-'dred to one if he were not ſtung with a Snake. Being once at *Bruges* in *Flanders*, where an Arrogant Fellow ſet up a Theſis, that he would Anſwer any Queſtion that could be propoſed to him in any Science whatſoever, Sir *Thomas* ſent this Queſtion to him to anſwer; whether *Averia Capta in withernamia ſunt irreplegibilia*, adding, that there was one of the *Engliſh* Ambaſſador's Retinue that would diſcourſe with him about it: Now this Braggadocia not ſo much as underſtanding the Terms of our Common Law, knew not what Anſwer to make to it, and ſo by his Preſumption rendered himſelf a Laughing-ſtock to the whole City.

SIR *Thomas Maunors*, Lord *Roſs*, being Created Earl of *Rutland* by *Henry* VIII. ſome time before Sir *Thomas Moor* had the Great Seal delivered to him, and both of them having been very intimate Acquaintance, but now had not, through one Caſuality or other, met and converſed together for ſome time, when at length they happed to

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come into Company, my Lord of *Rutland* was pleaſed to tell the Chancellor, in a way of Drollery upon his new Preferment, and in Alluſion to his Name, *Honores mutant Mores*; to which the other very readily replied, that he thought it was better in *Engliſh*, *Honours change Manners.*

SIR *Thomas*, ſome time after he had quitted the Chancellorſhip, was cited to *Lambeth-Houſe* to appear before the Archbiſhop of *Canterbury*, the Lord Chancellor *Audley*, and Secretary *Cromwell*, to take the Oath of Supremacy and Succeſſion, which being refuſed by him he was committed to the *Tower*, and after a Year's Impriſonment called to his Arraignment at the *King's-Bench* Bar. His Indictment being read, he pleaded not Guilty, and to the Admiration of the Auditors he ſo defended himſelf, that he put the Court to a Stand: But *Rich*, the King's Sollicitor, depoſing againſt him that he heard him ſay, the Parliament could make the King no more Supream Head of the Church, than they could make a Law that God ſhould not be God, tho' Sir *Thomas* denied that he had ever ſaid the Words, the Lord Chancellor proceeded to this ſevere Sentence againſt him, *That he ſhould be drawn upon a Hurdle to* Tyburn, *there hanged till half Dead, his Privy Parts cut off, his Belly rip'd open, his Bowels burnt, and his Four Quarters ſet up over the Four Gates of* London, *and his Head upon the Bridge*: But this Sentence being afterwards by the King's Pardon changed to beheading only, and Word being brought of it to Sir *Thomas*, he merrily anſwered, *God forbid the King ſhould uſe any more ſuch Mercies to my Poſterity or Friends.*

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DURING the Time he remained in Priſon, being very importunately urged by a certain Courtier to change his Mind, he told him, That he might be rid of him, *that he had done it*; which the raſh and inconſiderate Courtier haſtning to acquaint the King with, he was commanded to know wherein his Mind was changed: Sir *Thomas* ſaid, *That it was in reſolving his Beard ſhould undergo the ſame Tribulation with himſelf; whereas he intended ſome Time before to be ſhaved, that he might appear to the People as he was wont to do.* The Day appointed for his Execution being come, he was brought out of the *Tower* at Nine in the Morning, and aſcending the Scaffold, it ſeemed ſo weak that it was ready to fall; whereupon turning briskly to the Lieutenant, *I pray*, ſaid he, *ſee me ſafe up, but as for my coming down let me ſhift for myſelf.* Having addreſs'd himſelf to the People, and deſired them to pray for him, he kneeled down, and having ended his Prayers, turned to the Executioner, and with a cheerful Aſpect ſaid, *Pluck up thy Spirits, Man, and be not afraid to do thy Office; my Neck is very ſhort, take heed therefore that you do not ſtrike awry for thy own Reputation's Sake.* Then laying his Head upon the Block he bid him ſtop till he had put his Beard aſide, ſaying, *That it had never committed any Treaſon*; which was looked upon to be too airy and vain at ſo ſerious a Time.

THUS died the Famous Sir *Thomas Moor* in the Year 1535, being a Man of Admirable Attainments in all Sorts of Learning. His *Utopia* is admired all the World over; his Hiſtory of *Richard* III. has obtained ſo much Credit with Hiſtorians, that they have placed

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it among their Works without any Alteration. He writ several other Things, as, *De quatuor novissimis, &c.* His Monument is in *Chelsea* Church, where 'tis reported, *Fisher*, Bishop of *Rochester*, lyes with him in the same Grave.

TWO Things more are Memorable and ought to be Recorded concerning this Great Man; one of which is a great Instance of his Integrity, and the small Regard he had to Worldly Treasure; for tho' he had gone through so many great Offices in the Government, yet he never purchased above an Hundred Pounds a Year Land in all his Lifetime, and left but a very small Stock of Money behind him at his Death: The other was a lively Indication of his Filial Piety, that being Lord Chancellor of *England* at the Time that his Father was One of the Judges of the *King's-Bench*, he would always at his going to *Westminster* first go into that Court, and ask his Father's Blessing before he went to sit in the *Chancery*.

THE Custody of the Great Seal, upon the Resignation of Sir *Thomas Moor*, was committed to Sir *Thomas Audley* on the 20th of *May*, in the 24th Year of *Henry* the Eighth's Reign, who then Knighted the New Keeper; and a New Great Seal being made, and delivered to the said Sir *Thomas Audley* on the 6th of *September* following, he was on the 26th of *January*, in the new Year, made Lord Chancellor of *England*. This *Audley* was Speaker of the House of Commons when the Great Seal was first delivered into his Custody, and during that Session, the Commons being very intent upon reforming divers Abuses in the Church, the 1532.

Bishops

Bishops were much concerned at their Proceedings, and especially *Fisher*, Bishop of *Rochester*, who said in the House of Lords, *You see what Bills come daily from the Commons, all tending to the Destruction of the Church. For God's Sake consider what the Realm of* Bohemia *was; that the Glory of it fell with the Church; the Commons cried nothing now but down with the Church, and all this seemed to come to pass only for Want of Faith.* The Commons were nettled at this, and deputed *Audley*, their Speaker, with 30 of their Members, to wait on the King, complaining 'what a Dishonour it was to His Majesty 'and the whole Kingdom, that they who were 'chosen for the Wisest Men of all the Counties 'of *England*, should be charged with Want 'of Faith; and it implied as much as if they 'were Infidels, and no Christians; and there-'fore they intreated the King, by the Mouth 'of the Speaker, to call the Bishop of *Roche-'ster* to an Account for what he had said. The Bishop excused himself as well as he could, by urging, that what the *Bohemians* did he meant was done for Want of Faith; with which the Commons were not satisfied; and perhaps this had an Influence afterwards upon that Learned Prelate's untimely End.

SIR *Thomas Audley* was Born in the County of *Essex*, Bred up to the Profession of the Law, of which he was made a Serjeant in the 12th Year of King *Henry*'s Reign. He was some Time Attorney of the Dutchy of *Lancaster*; and when Sir *Thomas Moor*, his Predecessor, was called to an Account, and Tried for his Life, he was one of those Commissionated to Try him, and pronounced Sentence of Death upon him. He likewise was one of those

Lords

Lords that conducted Queen *Anne Bullen* to the *Tower*.

HE was Chancellor of *England* about Twelve Years together, and had the Honour to be created Baron *Audley* of *Audley*, in *Eſſex*. His Perſon was Comely and Majeſtick, and he was indeed a Man of Conſummate Parts, and Uncommon Prudence. His maintaining of the Prerogative in Parliament brought him firſt into Favour with *Henry* VIII. wherein he upheld himſelf, by humouring that Prince in every Thing. He enjoined the Preachers of thoſe Times to detect the Folly of Popery, had a large Share in the Abbey Lands, Founded *Magdalen* College, and having by his wary Management weathered King *Henry*'s boiſterous Humour, came off with great Honour and Applauſe, and died poſſeſs'd of the Great Seal on the 30th of *April* 1544. He was Buried in the Church of *Saffron-Walden*, in *Eſſex*, leaving a great Eſtate to his Daughter *Margaret*, afterwards Married to *Thomas*, Duke of *Norfolk*, from whom are lineally deſcended the preſent Earl of *Suffolk*, and his Son the Lord *Walden*, lately created Earl of *Bindon*, Deputy-Marſhal of *England*, during the Incapacity of *Thomas*, Duke of *Norfolk*.

THE Lord *Audley*'s Succeſſor had not the ſame good Succeſs in preſerving the Great Seal ſo long in his Hands, and did not die Chancellor. Sir *Thomas Wriotheſley* had the ſame committed to him as ſuch in the 36th Year of *Henry* VIII. in whoſe Favour he had had Share for ſome Years. He firſt Knighted him, and for ſome time made uſe of this Gentleman as his Secretary, (the Office of Secretary of State being nothing ſo conſiderable for Honour 1545.

Honour and Profit in thoſe Days as we have known it ſince.) The King being ſenſible at leſt of the Innocence of *Arthur Plantagenet*, Viſcount *Liſle*, Natural Son to *Edward* IV. who had been long impriſoned in the *Tower*, upon Suſpicion of his having had a Deſign to betray *Calais* to the *French*, while he was the King's Lieutenant there, Sir *Thomas Wriotheſley* was the Perſon ſent by King *Henry* to him with a Ring, and a very Gracious Meſſage, which tranſported the Poor Lord's Spirit to that Exceſs of Joy that he died that very Night.

SIR *Thomas*, together with the Lord Privy-Seal, Sir *Thomas Baker*, and the Biſhop of *Wincheſter*, was in the 34th Year of this King's Reign imployed by him in a Loan from all ſuch as were valued at Fifty Pounds and upwards in the Subſidy Book: He managed the Matter ſo dexterouſly, and ſucceeded ſo effectually in *London*, that ſome of the Principal Citizens were brought to advance a Thouſand Marks apiece for the King's Uſe, for which they had Privy Seals to be repaid in Two Years Time.

FOR this and other good Services Sir *Thomas Wriotheſley*, ſtill the King's Secretary, was the Year after advanced to the Dignity of Lord *Wriotheſley* of *Toſhfield*; and the Lord *Audley* dying much about the ſame time, he was advanced to be Lord Chancellor of *England*. *Henry* VIII. by his laſt Will and Teſtament made him one of his Sixteen Executors. *Edward* VI. in the very beginning of his Reign was pleaſed to create him Earl of *Southampton*, and to continue him Lord Chancellor: But ſoon after that Prince's Coronation, and the iſſuing out of a General Pardon, the

the Earl being contumacious to the reſt of the Lords in Matters of Counſel, he was removed from his Office of being Chancellor, and his Place at the Council-Board; but it ſeems the Earl came ſome time after into the Play again, and was one of thoſe who heartily joined with ſeveral other Lords to Accuſe and Diſpoſſeſs the Duke of *Somerſet* of the Protectorſhip. Upon the Duke's Submiſſion, and ſeeming Reconciliation, tho' diveſted of his Office, a great many of his Opponents were promoted to Honour and Places of Truſt; but the Earls of *Arundel* and *Southampton* being not only neglected, but put out of the Council, *Southampton* departed this Life ſoon after at *Lincoln* Palace in *Holborn*, and was Buried in St. *Andrew*'s Church there. To this Earl ſucceeded Three of his Poſterity ſucceſſively; the laſt of which dying Lord Treaſurer of *England*, and without Iſſue Male, *Wriotheſley*, the preſent Duke of *Bedford*, is his Grandſon by the Lady *Ruſſell*, his Mother, and was ſo Baptized in Memory of this Noble Family, from whom he is deſcended.

THE Earl of *Southampton* was ſucceeded by Sir *William Paulet*, Lord *Paulet* of St. *John Baſing*, who had the Cuſtody of the Great Seal given him on the 29th of *July*, in the Firſt Year of the Reign of *Edward* VI. He was the Son of Sir *John Paulet*, deſcended from an Ancient Family in the County of *Somerſet*, and a Perſon ſingularly well accompliſhed with Learning and other Excellent Parts. This Gentlemen in the 29th Year of King *Henry* VIII. was at the Creation of *Edward* Prince of *Wales* made Treaſurer of the King's Houſhold, and the next Year, by Letters 1547.

Letters Patents, bearing Date the 9th of *March*, advanced to the Dignity of a Baron of this Realm by the Title aforementioned.

HE was First Master of the Court of Wards, created Knight of the Garter, and accompanied King *Henry* at the taking of *Bologn*. The same King by his Will constituted him one of his Executors, and appointed him to be of the Council to his Son and Successor Prince *Edward*. He concurred with divers other Lords to put the Duke of *Somerset* out of his Protectorship. He had the Office of Lord Great Master of the Houshold, when the Great Seal was committed to his Charge, which he held no longer than from the 29th of *June* to the 30th of *November* following. He was in the 3d of *Edward* VI. created Earl of *Wiltshire*, and next Year constituted Lord Treasurer of *England*. He was in the Fifth of the said King's Reign honoured with the Title of Marquiss of *Winchester*, and sate as High Steward upon the Trial of the Duke of *Somerset*, being also Lord President of the Council for some Part of that Reign. He became in great Favour with Queen *Mary*, because he was one of the chief of those who proclaimed her in Opposition to the Lady *Jane Grey*, tho' at first he signed a Letter among others, directed to her, disclaiming her Title to the Crown. However, she confirmed his Patent for the Office of Lord Treasurer, as did Queen *Elizabeth* in the First Year of her Reign. This Honourable Person having been Lord Treasurer about 21 Years, died in the 14th of Queen *Elizabeth*, in the 97th Year of his Age, having lived to see 103 of his own Generation. It's reported that being asked how he did to bear up in those dangerous Times, wherein great Alterations were made

both

both in Church and State, he anſwer'd, *By being a Willow, and not an Oak. Charles*, the preſent Duke of *Bolton*, is lineally deſcended from this Great and Worthy Man.

SIR *Richard Rich* had the Great Seal delivered to him on the 30th of *November*, in the Firſt Year of *Edward* VI. with the Title of Lord Chancellor, he being a little before dignified with the Honour of being a Baron of *England*, by the Stile of Lord *Rich*, by the ſame Prince. This Gentleman was the Son of a Wealthy Merchant of the City of *London*, and proving an Induſtrious Student of the Laws in the *Middle-Temple*, was in the 21th Year of *Henry* VIII. made Choice of for the Autumn Reader in that Honourable Society; and not long after having ſeveral Eminent Imployments, he attained to great Wealth and Honour, being made Attorney-General in *Wales*, and the Marſhes thereof, for Life; after which he was the King's Sollicitor-General, and Chancellor of the Court of Augmentation, erected in *Henry* VIII's Reign, of whoſe Will he was One of the Executors. While he was Lord Chancellor of *England* in *Edward* VI's Days, he was One of thoſe Eighteen Lords of the Privy-Council, that the Earl of *Warwick*, afterwards Duke of *Northumberland*, drew to ſide with him, and to hold Secret Conſultations about diveſting the Lord Protector *Somerſet* of his High Office: Theſe, together with the Lord Mayor and Aldermen of *London*, meeting at the Earl of *Warwick*'s Habitation, being then *Ely-Houſe* in *Holbourn*, the Lord Chancellor *Rich* made a long Speech to them, wherein he ſet out the Male-Adminiſtration of the Lord Protector, and the many Miſchiefs 1547.

that had thereby befallen the Kingdom; and concluded with a Requeſt, that the City would join with the Lords there preſent to remove him: And the very ſame Day Proclamation was made in divers Parts of the City to that Purpoſe; to which the Lord Chancellor was the firſt that ſubſcribed his Name. But the Lord *Rich* foreſeeing at length the near Approach of very troubleſome Times, he reſign'd his great Office in the 5th of *Edward* VI. tho' others ſay he was turn'd out; and it ſeems by the Prevalency of ſome of that Party, with whom he had ſided before againſt the Protector. He died in the 9th of Queen *Elizabeth*. From this Noble Lord were deſcended the Illuſtrious Earls of *Warwick* and *Holland*, Titles now united in One Perſon, the preſent Earl of *Warwick* and *Holland*.

1551. ON the 19th of *January*, in the 5th of *Edward* VI. Dr. *Thomas Goodrick*, Lord Biſhop of *Ely*, was made Lord High Chancellor of *England*, and continued in that High Office till that King's Death. He was One of thoſe Lords, that purſuant to King *Edward*'s Will, eſpouſed the Title of the Lady *Jane Grey* to the Crown, and upon the Lady *Mary*'s putting in her Claim, was the ſecond Perſon that ſign'd a Letter to her, to ſhew the Invalidity of her Pretenſions, and to perſwade her to ſubmit to Queen *Jane*, her then Sovereign: But ſeveral of the Lords ſoon flagging in their Reſolutions, and the Intereſt of Queen *Mary* prevailing, the Lord Chancellor was quickly put out of his Office; and this indeed is all that I can find memorable concerning him, only that he was the firſt Clergyman that had the Cuſtody

Cuſtody of the Great Seal ſince Cardinal *Wolſey*.

STEPHEN Gardiner, Biſhop of *Winchester*, was raiſed to the high Office of Lord Chancellor of *England* on the 21th of *September*, in the Firſt Year of Queen *Mary*'s Reign. He was Born at St. *Edmund*'s-*Bury* in *Suffolk*, he being the Natural Son of *Richard Woodville*, Brother to *Elizabeth*, King *Edward* IV's Queen. This was believed to be his true Deſcent, tho' not commonly known. He was a Man very well verſed in the Common and Civil Laws, and tollerably well in Divinity. He alſo wrote a good *Latin* Stile, and had a thorough Underſtanding in the *Greek* Language. He appear'd forward in the Time of King *Henry* VIII. for diſſolving his Marriage with Queen *Catherine* of *Spain*, and afterwards ſubſcribed the Divorce. He complied in like manner with the Court in renouncing the Pope's Authority, and wrote a Book, *De vera & falſa Obedientia*, to ſupport the King's Proceedings. 1553.

HAVING gone thus far, he, however, in the Reign of King *Edward* VI. oppoſed the Reformation, for which he was impriſoned, but ſet at Liberty the Year following; and tho' he retained ſtill the ſame Sentiments as formerly, yet his outward Compliance was ſuch, that it was no eaſie Matter to get any Advantage over him at preſent: But afterwards being no longer able to conceal his Diſſatisfaction, which broke forth openly enough, he was deprived of his Biſhoprick in 1551, and impriſoned in the *Tower* of *London*, till Queen *Mary* ſet him at Liberty.

GARDINER was a Great Miniſter and Favourite in this Queen's Reign, and had

a deep Hand in the Articles of Marriage between her and *Philip* II. King of *Spain*; which Articles were indeed very judiciously drawn up, and tended much to the Advantage of *England*. But then this Bishop and Chancellor, as to the Proceedings against those of the Reformation, was too much inclined to Rigour and Severity; and when the Great Cardinal *Pool* urged, that the People were to be recovered and brought to the *Romish* Church and Communion by moderate and gentle Methods, *Gardiner* declared for the Execution of the Laws against the *Lollards*, and that Terror was a more effectual Expedient than bare Perswasion. On his Death-bed he was much dissatisfied with his former Conduct of Life, and often repeated these Words, *Erravi cum Petro, sed non flevi cum Petro.* He died on the 22d of *Oct.* 1555, being the Day that Bishop *Ridley* and Bishop *Latimer* were Burnt at *Oxford*.

SOME of our Historians tell us, That *Gardiner* would not go to Dinner that Day till Four a Clock in the Afternoon, tho' the Old Duke of *Norfolk* was to dine with him; and that, because he would first receive the News of those Two Martyrs, *Ridley* and *Latimer*'s, being Burnt; but that as soon as Word was brought him of it, he presently said, *Let us go to Dinner*; where sitting at Table, and eating cheerfully, he upon a sudden fell so extreamly Ill that they were obliged to take him from the Table, and carry him to Bed, where he continued Fifteen Days without voiding any thing either by Urine or otherwise, which caused his Tongue to swell in his Mouth, and so he died.

BISHOP *Gardiner* making his Exit in this manner, and the Great Seal being left without a Keeper, the ſame was on *Wedneſday*, the Firſt of *January*, in the Third Year of Queen *Mary*'s Reign, committed to the Cuſtody of *Nicholas Heath*, Archbiſhop of *York*. This Worthy Perſon was Born in the City of *London*, and Educated firſt in *Chriſt-College*, tho' afterwards he was made Fellow of *Clare-Hall* in *Cambridge*. He had the Honour of being Lord Almoner to King *Henry* VIII. who advanced him to be firſt Biſhop of *Rocheſter*, and then of *Worceſter*; and being deprived by King *Edward* VI. upon Account of his Non-compliance with the Reformation on Foot in thoſe Times, he was reſtored to his Biſhoprick by Queen *Mary*, who advanced him to the Archbiſhoprick of *York*, and made him Chancellor as aforeſaid. 1555.

THE Lord Chancellor *Heath* was indeed a Wiſe and Learned Man, of deep Policy, and as great Integrity; more devout to purſue the Dictates of his own Conſcience than cruel to proſecute others. In ſhort, he was ſo Moderate, and free from violent Extreams, that in the Diſputations between the Papiſts and Proteſtants in the Firſt Year of Queen *Elizabeth* he was choſen One of the Moderators, Sir *Nicholas Bacon* being the other.

BUT the good Man's Moderation was not of that Allay as to allow him to be prevailed upon to take the Oath of Supremacy, which put him once more under the Misfortune of Deprivation; upon which he retired to his own Seat at *Cobham* in *Surrey*, where he ſpent his Old Age in a Studious and Religious Manner, happily free from any Faction or Revenge:

Therefore he found himſelf rather eaſed than depoſed, ſaith my Author; and like another *Abiathar* ſent home by *Solomon* to his own Field, he found in his Retirement the Fruits of his Moderation abounded in all Neceſſaries, and received frequent Viſits from the Queen herſelf, who was ſatisfied that he acted from a true Principle of Conſcience: He died about the Year 1566.

1559. UPON the depriving of Archbiſhop *Heath* of the Office of Chancellor, Sir *Nicholas Bacon*, Knight, and Attorney of the Court of Wards, was made Lord Keeper of the Great Seal of *England* on the 22d of *December*, according to *Cambden*'s Annals, but according to the Record at *Weſtminſter*, on the 13th of *January*, in the Firſt Year of Queen *Elizabeth*'s Reign.

THIS Gentleman was a Branch of the Ancient Family of the *Bacons* of *Norfolk* and *Suffolk*, but Born at *Chiſelhurſt*, in the County of *Kent*. He was Educated in *Bennet*'s *College* in *Cambridge*, and having applied himſelf to the Study of the Common Law, he proved not only a good Lawyer, but a Man of great Wiſdom and Underſtanding, and of a deep Reach into all Sorts of Affairs: He had an Admirable Memory to recollect all the Circumſtances of any Buſineſs before him, and as great Patience to Debate and Conſider them; witneſs his uſual Saying, *Let us ſtay a little and we ſhall have done the ſooner*: In ſhort, he underſtood the true Intereſt of *England*, and promoted it to the utmoſt of his Power.

SIR

SIR *Nicholas*, to ſecure his own, made Uſe of the Policy of thoſe Times, *viz.* great Alliances. He and *Cecil* Married Two Siſters, *Walſingham* and *Mildway*, Two more; *Knolls*, *Eſſex* and *Leiceſter* were alſo linked together: However, the Lord Keeper's Caution and Conduct could not ſo far ſecure him, but that he encountred a pretty ſevere Rub in 1565; for the Great Earl of *Leiceſter*, to Ingratiate himſelf with the Queen of *Scots*, accuſed the Lord Keeper *Bacon* for being Privy to the Libel of *Hales*, who affirmed, that the Right of the Crown belonged to the Family of *Suffolk*, in caſe the Queen ſhould die without Iſſue, for which Sir *Nicholas* was committed to Priſon, where continuing for a ſhort time; he was at laſt diſcharged, upon the Mediation of Sir *William Cecil*, and a Manifeſtation of his own Innocence, and reſtored to his Place of Lord Keeper.

AS for Greatneſs this Gentleman never affected it, his Motto being *mediocri firma.* Neither was he ſo much for a large as a good Eſtate. His Houſe, they told us, at *Gorhambury* in *Hertfordſhire*, was Convenient, but not at all Stately, which made Queen *Elizabeth* tell him, when ſhe called there in her Progreſs, *that it was too little for his Lordſhip*; to which he made Anſwer; *No*, Madam, *but your Highneſs has made me too big for it.*

SIR *Nicholas* was grown very Corpulent in his Old Age, to which the Queen alluding uſed to ſay, *Sir* Nicholas's *Soul lodges well:* He died in the Year 1579, after he had been Lord Keeper of the Great Seal of *England* about Eighteen Years, tho' by Vertue of an Act of Parliament he always exerciſed the

Jurisdiction of Lord Chancellor: He left Two Sons behind him, Sir *Nicholas*, the First Baronet of *England*, and Sir *Francis*, of whom more by and by.

1579. THE Great Seal being thus vacant by the Death of the Lord Keeper *Bacon*, the Queen was pleased to commit it to the Keeping of Sir *Thomas Bromley*, Knight, then her Majesties Sollicitor-General, with the Title of Lord Chancellor of *England*: And this was done on the 25th of *April*, in the 21st Year of her happy Reign.

THERE are not many things Memorable concerning this Gentleman's Administration while Chancellor, and therefore we ought to judge of him very favourably and honourably, since, had he been guilty of any Miscarriages or Misdemeanors, there would have been some that had not failed to record them.

HE was while Solicitor-General, one of those deputed by the Queen, after the Beheading of the Duke of *Norfolk*, to attend the Queen of *Scots*, and to expostulate with her, that she had usurped the Title and Arms of the Kingdom of *England*, and had not renounced the same, pursuant to the Treaty at *Edenburg*; that she had endeavoured to Marry the Duke of *Norfolk*, without the Queen's Privity, and several other heinous Matters laid to her Charge.

THE Queen's Life being in Danger from the Plots and Machinations of Papists and Secret Enemies, I find the Chancellor was very forward in promoting an Association for her Majesties Security; and if I am not much mistaken, he was One of the Twenty-four or more of the Queen's Privy Council, and Peers

of

of the Realm, that were ſelected and authorized under the Great Seal of *England*, to make Enquiry after ſuch Perſons as ſhould attempt to Invade the Kingdom, or raiſe Rebellion, or attempt any Evil againſt the Queen's Perſon, for or in Behalf of any that pretended a Claim to the Crown of *England*, and that that Perſon, for, and by whom any ſuch ſhould be attempted, ſhould be altogether incapacitated to inherit the Crown.

THE Queen of *Scots* being brought to her Trial for the Practices laid to her Charge againſt Queen *Elizabeth*, but ſtanding upon her Innocency, and an Exemption from anſwering, as being an Abſolute Princeſs, the Lord Chancellor *Bromley* told her at laſt very plainly, that if ſhe perſiſted to refuſe to anſwer to ſuch Crimes as ſhould be laid to her Charge, they would proceed againſt her as tho' ſhe were abſent. But the Queen at length agreeing to anſwer, the Lord Chancellor, who was the firſt of the Commiſſioners appointed for her Trial, turning towards her, ſaid, *That the Queen had appointed thoſe Commiſſioners to hear what ſhe could ſay in anſwer to thoſe Crimes laid to her Charge; withal aſſuring her, that Nothing could pleaſe the Queen more than to hear that ſhe had proved herſelf Innocent.* The Queen of *Scots* being at laſt found Guilty, the Houſe of Lords unanimouſly exhibited a Petition to the Queen, and that by the Hands of the Lord Chancellor, for a preſent Promulgation of the Sentence paſſed againſt the Queen of *Scots*; and the Lord Chancellor was ſent back again by her Majeſty to the Peers to intreat them to conſider further and more maturely, of

ſo

ſo weighty an Affair, and to bethink themſelves of ſome proper Remedy whereby the Queen of *Scots* Life might be ſpared, and her own at the ſame time ſecured. But the Lords perſiſting in their Requeſt and Advice, the Lord Chancellor declared the ſame at large to the Queen, urged her in their Names to have the Sentence put in Execution, and ſhe at laſt gave way to it.

I HAVE nothing more to add concerning this Chancellor, but that he died in the 29th Year of the Reign of Queen *Elizabeth*, after he had had the Cuſtody of the Great Seal for about Eight Years; and that the Perſon whom the Queen deſigned for his Succeſſor, I mean *Edward*, Earl of *Rutland*, departed this Life Six Days after. If I am not very much miſinformed, *William Bromley*, Eſq; Member of Parliament for the Famous Univerſity of *Oxford*, who has made ſo conſiderable a Figure of late in the Houſe of Commons, and been once in Nomination of being Speaker, is a Lineal Deſcendant from this Chancellor.

1587. SIR *Chriſtopher Hatton*, Knt. was the next Perſon the Queen was pleaſed to pitch upon for the Great Seal of *England*, which was delivered to him on the 29th of *April*, in the the 29th of her Reign, with the Title of Lord Chancellor: Some were of Opinion this was not ſo much the Queen's own Choice, as that ſhe was perſwaded to it by ſome that wiſhed Sir *Chriſtopher* ill, that thereby he might be abſent from the Court, and in Expectation that ſuch a Sedentary Life for a Corpulent Man, that had been uſed to Exerciſe,

ercise, would be a Means to shorten his Life, wherein they were not much mistaken.

THIS Gentleman was Born at *Holdenby* in *Northamptonshire*, but descended from an Ancient Family in *Cheshire*, deriving its Pedigree from *Nigel*, Baron of *Hatton*, in that Country: He was Bred up to the Law in the Inns of Court, but more like a Gentleman than one that pretended to raise himself by that Profession: He was first taken notice of by the Queen for the Comelineſs of his Person, and his Graceful Dancing in a Mask at Court; but more afterwards for his great Abilities. He came first to be one of the Queen's Gentlemen Pensioners, then Gentleman of the Privy-Chamber, and next Captain of the Guard, from which Office he stept to be Vice-Chamberlain, and one of the Privy Council, and at last Lord Chancellor, with the Addition of the Garter: He was one of those, when Vice-Chamberlain, that was delegated to Try the Queen of *Scots* for her Conspiracies against Queen *Elizabeth*.

THIS Gentleman had a large share of Gifts and Natural Endowments; his Features, his Gate, his Carriage, his Parts and Prudence, strove how to set him out: But as his Abilities were much above his Experience, so was this above his Learning, and his Learning above his Education: What he did was so exactly Just and Discreet, and what he spoke so weighty, that he was chosen to keep the Queen's Conscience as her Chancellor, and to express her Sense as Speaker: The Courtiers that envy all the last Capacity, were by his Power necessitated

to

to confeſs their Errors; and the Serjeants that refuſed to Plead before him at firſt could not but own his Abilities: His Place was above his Law, but not above his Parts, which were ſo very Pregnant and Comprehenſive, that he could command other Mens Knowledge to as good Purpoſe as his own: And whereas 'tis ſaid the Civil Law is ſufficient to Dictate Equity, he made uſe of Sir *Richard Swale*, Doctor of the Civil Law, as a Servant and Friend, whoſe Advice he followed in all Matters of Moment: His Station was great, his Diſpatches were quick and weighty, his Orders many, yet all conſiſtent; being very ſeldom reverſed in Chancery, and his Advice oppoſed more ſeldom in Council: He was ſo Juſt, that his Sentence was a Law to the Subject, and ſo Wiſe, that his Opinion was an Oracle to the Queen.

HOWEVER, Queen *Elizabeth*, who never forgave Debts, calling upon him for an old One, and rigorouſly inſiſting upon prompt Payment, he was ſtartled at it, becauſe he could not do it at that time, and that Backſtroak went ſo cloſe to his Heart, that it threw him into a Mortal Diſeaſe: The Queen being indeed ſorry for what ſhe had done, endeavoured all ſhe could to recover him, and brought him Cordials with her own Hands, but all would not do: And ſo he died a Batchellor in the Year 1591, and was Buried under a ſtately Monument, under the Choir of St. *Paul*'s.

THIS Gentleman had adopted Sir *William Newport*, his Siſter's Son, to be his Heir, who thereupon changed his Name to Sir *William Hatton*; but in Default of Iſſue

Iſſue Male by him he ſettled the greateſt Part of his Eſtate upon his God-ſon, *Chriſtopher Hatton*, Son and Heir of *John Hatton*, his neareſt Kinſman of the Male Line, which *Chriſtopher*, upon the Death of Sir *William Newport*, without Iſſue Male, did accordingly enjoy it, and was made Knt. of the *Bath* at the Coronation of King *James* I. from whom is deſcended the preſent Lord Viſcount *Hatton*.

THE Lord Chancellor *Hatton* having made his Exit in the Manner before declared, her Majeſty on the 28th of *May*, in the 34th Year of her Reign, was pleaſed to commit the Cuſtody of the Great Seal to Sir *John Puckering*, Knt. with the Title of Lord Keeper: This Gentleman being Bred to the Profeſſion of the Law and the Practice of it, but of what Inn of Court I know not, in Proceſs of Time attained to the higheſt Dignities he might expect from it: He, with ſome others, were advanced to the Degree of Serjeants at Law in the Year 1580; and on the 3d of *July* 1588, he was made the Queen's Serjeant. 1592.

BUT a Year or Two before this laſt Promotion, as I take it, *viz.* in 1586, this Gentleman had the Honour to be elected Speaker of the Houſe of Commons, and while the Parliament was very intent and preſſing with Queen *Elizabeth* to have the Sentence pronounced againſt the Queen of *Scots* in the Star-Chamber, put in Execution, the Queen made uſe of the Speaker to the Houſe of Commons, to deſire them not to be ſo forward in a Thing of that Moment; who having faithfully diſcharged his Truſt, was again imployed by them to ſatisfie

tisfie Her Majesty, that they could not recede from their Request to her; that the Queen's Life could not be in Safety while the Queen of *Scots* lived, unless she either repented, and acknowledged her Crimes, were kept in close Custody, or bound by Oath or other Obligations, and give Hostages, or lastly, departed the Kingdom: He told the Queen, *That they had little Hopes of any Repentance from her, who would not so much as acknowledge herself guilty; that as to some of the other Securities they looked upon them of no manner of Value if the Queen's Life were taken away; and as for her to Depart the Kingdom, they were in such Case very apprehensive, lest she might very quickly return with a Force to invade it.* The Speaker urged these Matters at large to Her Majesty, and pressed her in their Names to have the Sentence put in Execution, which at length she consented to.

NOW *Davison*, the Queen's Secretary, having Letters delivered to him from the Queen under her Hand and Seal, to get the Commission made out under the Great Seal of *England* for the Execution of the Queen of *Scots*, and the Secretary (tho' not without the Participation of some of the Privy Council) having used, it seems, more Expedition in the Thing than the Queen intended, he was questioned for it in the Star-Chamber, where Serjeant *Puckering* and others urged against him the Violation of his Trust, and Neglect of Duty in many Particulars, with divers Aggravations, which ended in the Ruin of the Poor Man, who was not a Courtier enough to manage an Affair of that Nice Importance.

SERGEANT *Puckering*, as Her Majesties Sergeant, was to act the same Part against *Philip*, Earl of *Arundel*, in 1588, as he did

did againſt *Daviſon*; for that noble Earl, who had been impriſoned for Three Years before, was now tried before the Peers for High Treaſon, and found guilty, tho' his Life was ſpared.

IT ſhould have been taken Notice of before, that upon the Death of the Lord-Chancellor *Hatton*, the Great Seal was not immediately delivered to Sir *John Puckering*, but for ſome Months committed to the Cuſtody of *William*, Lord *Burleigh*, Lord High Treaſurer of *England*, and of the Lords *Hunſdon*, *Cobham*, and *Buckhurſt*. How this Gentlemen behaved himſelf during the Four Years he had the Great Seal in his Hands no ways appears upon Record, and therefore it's fit we ſhould judge of him on the moſt favourable Side. I can meet with nothing of his Family any where, and am as uncertain whether he was ever married, or left any Children behind him: Only I muſt obſerve that in *March* 165$\frac{6}{7}$ there were Commiſſioners appointed by a ſpecial Act of Parliament, to hear and determine an Affair between one Mrs. *Jane Puckering*, and Mr. *Joſeph Welch*, about his forcing of her to a pretended Marriage, and carrying her beyond Sea to *Dunkirk*; but what became of it, or whether ſhe was of the Lord-Keeper's Family, I am wholly ignorant.

THE Great Seal upon the Death of Sir *John Puckering* this Year, Her Majeſty was pleaſed to deliver to Sir *Thomas Egerton*, Knt. who by the Aſſiſtance of Friends, having had a good Education, betook himſelf to the Profeſſion of the Law, and in Proceſs of Time became very Famous for his Knowledge in it: Inſomuch, that he was at laſt made the Queen's Sollicitor-General on the 28th of *June*, 1596.

June, 1581, in the 23d Year of Her Majesties Reign, and as such was as well as his Predecessor, Sir *John Puckering*, very active against *Davison* and the Earl of *Arundel* in the Cases already mentioned.

SIR *Thomas*, who was now knighted, having behaved himself very much to the Queen's Satisfaction, as Her Majesties Sollicitor, for the Space of about 12 Years, she was pleased on the 2d of *June* 1592 to advance him from that Post to be her Attorney-General, and in less than Two Years after, *viz.* *April* 10th, 1594, advanced him to be Master of the Rolls. His next Preferment, being the highest in the Law, was to be Lord Keeper of the Great Seal of *England*, which was committed to his Custody on the 6th of *May*, in the 38th Year of Her Majesties Reign.

THIS Gentleman behaved himself with singular Prudence and Conduct throughout the Remainder of Queen *Elizabeth*'s Reign, and being One of those Lords, who, upon the Commotions made by the Earl of *Essex* in 1601, was sent to *Essex-House* by the Queen to know the Cause of them, they could at first scarce find Admittance, and none of their Attendance were allowed to go in, save that Officer that carried the Seal before the Lord Keeper. Now their Lordships finding a confused Multitude of People in the Court, and the Earls of *Essex*, *Rutland*, and *Southampton*, in the midst of them, the Lord Keeper addressing himself to *Essex*, told him, *That the Queen had sent him and the other Lords to know the Cause of that Concourse, promising they should have Justice done them if any Body had injured them*; *Essex* with a loud Voice cried out, *They laid in wait for his Life, and*

that

that they were met there to defend themſelves. The Lord Keeper thereupon mildly urged him again to explain Part of his Grievances, but the confuſed Multitude crying out, *Away, let us be gone, they come to betray you; kill them, throw away the Great Seal*, the Earl retired into the Houſe, and the Lords following him, they were there confined by his Orders till his Return from the City; where not ſucceeding according to his Expectations, the Lord Keeper and the other Counſellors were at laſt enlarged, and the Matter ended in the unfortunate Earl, and many of his Aſſociates, Ruin.

QUEEN *Elizabeth* dying in 1602, and King *James* ſucceeding to the Crown of *England*, that Prince was pleaſed on the 8th of *April*, in the Firſt Year of his Reign in *England*, to appoint the Great Seal of the late Queen *Elizabeth*, then in the Cuſtody of Sir *Thomas Egerton*, Knt. to be the Great Seal of *England* till farther Order: And afterwards, to wit, on the 29th of *June* following, the ſame Seal being broken, the King delivered to the ſaid Sir *Thomas Egerton* a new Seal, with his own Face, Arms and Titles of Honour, upon it. This done, His Majeſty on the 24th of *July* made him Lord Chancellor of *England*, having much about the ſame time advanced him to the Dignity of a Peer, by the Title of Baron of *Elleſmere*.

MY Lord *Elleſmere* carried himſelf with much Caution and Prudence in this great Poſt, and continuing without Interruption in much Favour with his Prince, till the 14th Year of King *James*'s Reign, His Majeſty was pleaſed then to confer an Addition of Honour upon him, by creating him Viſcount *Brackley*: But

whatever the Matter was, whether upon ſome Diſpleaſure, or that the Lord Chancellor thro' Sickneſs and Infirmity was unable to diſcharge the Duty of his Place, the Great Seal was, not long after, taken from him, and Death in a little time overtook him, after he had enjoy'd that great Office in Two Reigns about 21 Years: This Lord's Son and Heir was in 1617, and the 15th Year of King *James* I. advanced to the Dignity of Earl of *Bridgwater*, whoſe Deſcendant now enjoys it.

1616. THE Great Seal being thus taken from the Lord Chancellor *Egerton*, it was on the 7th of *March*, in the 14th of King *James*'s Reign, committed to the Cuſtody of Sir *Francis Bacon*, Knt. with the Title of Lord-Keeper, who on the 4th of *January* following had the Title of Lord Chancellor of *England* given him; he being about the ſame time created Lord *Verulam*, and afterwards Viſcount of St. *Albans*. This Gentleman was a younger Son of Sir *Nicholas Bacon*, Knt. ſometime Lord Keeper of the Great Seal, by his Lady *Anne Cock*: With this Advantage of Birth he had a ſuitable Education, and ſuch Natural Parts as raiſed him to a greater Eſteem in the World by his Knowledge, than he was in his own Country by the Honours and Dignities conferred upon him. He was born at *York-Houſe*, in the *Strand*, in 1560. Queen *Elizabeth* took Delight in his ingenious Diſcourſes, and admired him in his Childhood for his witty Repartees, and was often wont to call him the young Lord-Keeper. He was at Sixteen Years of Age ſent to *Trinity-Colledge* in *Cambridge*, where he made ſuch Progreſs in his Studies, that he ſoon became the Object of the whole Univerſity's Admiration.

This

This Gentleman quickly discover'd the Emptiness of *Aristotle*'s Natural Philosophy; as being framed for Disputations, and no Ways tending to the Benefit of Human Life; and tho' he always spoke of that Author with Respect and Praise, yet he persisted in that Opinion all his Life-time. After he had run thro' the whole Course of the Liberal Arts, he apply'd himself more particularly to the Study of Politicks, to which his Genius naturally inclined him.

WHEN Sir *Amias Paulet* was sent Ambassador to the Court of *France*, he was sent over along with him into that Kingdom; where he was soon after imployed as Agent between the Two Courts, till his Father's Death called him home to look after his own Private Concerns. Then he grew a great Statesman, and at 30 Years of Age he was chosen the Queen's Advocate. This Gentleman on the 25th of *June*, in the Fifth Year of King *James*, was made Sollicitor General, which Office he prudently and faithfully discharged for about Six Years, when the King was pleased on the 27th of *October* 1613, to advance him to be his Attorney General, from which he mounted to have the Custody of the Great Seal of *England*, as aforesaid.

HIS Generous and Affable Disposition procured him the Love and Admiration of all People. He instilled wholesome Precepts of Prudence and Honour into Noblemen, sound Principles of Arts and Sciences to the Learned; noble Maxims of Government to Princes, excellent Rules of Life to the People. His Port, they tell us, was stately, his Speech flowing and grave; his Religion rational and sober; his Spirit publick; his Love tender to his Re-

lations, and faithful to his Friends. He was liberal to the Hopeful, juſt to all Men, and civil to his very Enemies. One Fault he had, that he was above the Age he lived in, in his Bounties to ſuch as brought him Preſents, and over-indulgent to his Servants, whoſe Riſe proved his Fall. How little he valued Riches manifeſtly appears, in that when his Servants would take Money from his Cloſet, he would ſay, *Ay, poor Men, that is their Portion.* But alas he wanted at laſt that which he was ſo careleſs of, if what ſome affirm of him be true, that he grew a Burden to Sir *Julius Cæſar*, who maintained him, and that the Lord *Brook* denied him Small Beer. The unhappy Buſineſs of this Lord Chancellor's Bribery was had up in Parliament, and he writ upon that Occaſion a very charming Letter to the Houſe of Lords, which is in the Appendix. He was committed to the *Tower* upon it, but after ſome few Days Confinement ſet at Liberty. In ſhort, he fell by the ſame Hand that raiſed him, the then Duke of *Buckingham*.

HE died without Iſſue at *Highgate* in the Earl of *Arundel*'s Houſe on the 9th of *April* 1626, in the 66th Year of his Age, and was buried in St. *Michael*'s Church, near St. *Albans*; where Sir *Thomas Mutis*, formerly his Secretary, out of Gratitude to the Memory of his Noble Maſter, erected a Monument of White Marble for him, with an Epitaph, compoſed by the Famous and Learned Sir *Henry Wotton*. It was ſaid of this Noble Lord, that as *Socrates* brought Morality to Diſcourſe, ſo did he Philoſophy from Speculation to Experience. Sir *Walter Raleigh* uſed to ſay that the Earl of *Salisbury* was a good Orator, but a bad Writer; the Earl of *Northampton* a good Writer,

Writer, but a bad Orator; but that Sir *Francis Bacon* excelled in both. He left us these following Books, *Historia Regia Henrici VII. De Sapientia veterum. De Bello sacro. De Naturali & Universali Philosophia. Historia ventorum. Historia vitæ & Mortis. De Dignitate & Argumentis Scientiarum. Novum organum Scientiarum.*

SOME Time after the Great Seal was taken from my Lord *Bacon*, it was in *Lent* this Year put into Commission, and committed to the Custody of *Henry* Viscount *Mandeville*, Lord President of the King's Council, *Lewis*, Duke of *Richmond*, *William*, Earl of *Pembroke*, and Sir *Julius Cæsar*, Knt. Master of the Rolls. But it did not long continue in their Possession, for *John Williams*, Doctor in Divinity, and Dean of *Westminster*, (afterwards Bishop of *Lincoln*) had it on the 10th of *July* delivered to him with the Title of Lord Keeper. 1620.

THIS Gentleman was the youngest Son of *Edmund Williams*, of *Aberconway*, in the County of *Carnarvan*, Esq; by *Mary*, Daughter to *Owen Wynn*, Esq;: His Grandfather was *William Williams*, of *Coghwillane*, Esq; a Family of very great Antiquity, they being Princes of *North Wales* in the Reign of King *Stephen*, and had before that Time distinguished themselves with great Bravery against the *Saxons*, the Memory of which is still preserved in their Arms. *John* abovementioned having gone through the Discipline of the Grammar School in his own Country, was in the Year 1598 admitted into St. *John's* College in *Cambridge*, being then in the 16th Year of his Age: And here he was first very remarkable for his Parts, Proficiency, and Industry, having a very parti-

cular Happineſs in his Conſtitution all along, ſo as not to require above Three Hours Sleep.

HE was a conſiderable Maſter in the *Greek* and *Hebrew* Languages, well acquainted with the School-men, Fathers, and Eccleſiaſtical Antiquity; a good Secular Hiſtorian, and very profitably ſpent Part of his Studies in the Civil and Canon Law: After he had taken Orders, he uſed to form his Sermons out of the *Greek* and *Latin* Fathers; the reading of which he ſeem'd to prefer before the Modern, for furniſhing a Syſtem of Divinity. He was of St. *Auguſtine*'s Opinion in the Points of Predeſtination and Grace, but held his Notions with Candor and Moderation, without cenſuring others. He was ſome Time Proctor of the Univerſity, and diſcharged that Office with great Reputation.

I Have been told ſome Years ago by a near Relation of his, and a Gentleman of Sincerity, but ſince dead, that he was Rector of a Place I cannot now remember in *Northamptonſhire*, and that a Diſpute between the Pariſhioners about a *May-Pole* was the firſt Occaſion of his being known at Court: For the Matter being at laſt brought to a Hearing before the King and Council, where he was likewiſe obliged to attend, he deliver'd himſelf with ſo much Prudence and Learning before that moſt Honourable Board, that King *James* took particular Notice of him; and having admitted him ſeveral Times into his Converſation, by which he had the good Addreſs to commend himſelf more and more into his good Opinion, His Majeſty recommended him at laſt to the Care of the Lord Chancellor *Egerton*, which in Time made Way for his arriving to the higheſt Dignities in the Church and

and State. What great Things do ſmall and trivial Beginnings oftentimes bring forth!

MR. *Williams* having officiated for ſome Time as Chaplain in my Lord Chancellor *Egerton*'s Family, he commenced Doctor of Divinity not till after his Death, and was made Dean of *Salisbury*. In the Year 1620 he reconciled the Lady *Catherine Mannors* to the Church of *England*, ſhe being a *Roman Catholick* before: And this Lady was ſoon after married to the Duke of *Buckingham*. From *Salisbury* Dr. *Williams* was preferred to the Deanery of *Weſtminſter*, to which Church he was a conſiderable Benefactor both in its Buildings, ſecuring its Priviledges, and furniſhing out new Endowments, but more particularly in his Library, which he beſtowed upon it, and remains there to this Day.

AND now King *James* having a more heightned Opinion than ever of his Abilities and Integrity, was pleaſed to make him Lord Keeper as aforeſaid, which Poſt he held Four or Five Years, and was never charged with either Weakneſs or Defect of Qualifications proper for that high Station.

SOON after this he was conſecrated Biſhop of *Lincoln*, he being made a Privy Counſellor juſt before the King delivered him the Seal: And now having a great Intereſt at Court, he perſwaded King *James* to prefer Dr. *Laud* to the Biſhoprick of St. *Davids*; for which Dr. *Hacket* ſays in *Williams*'s Life, he was afterwards very ill requited. He was one of thoſe Lords that adviſed the King to recal the Prince of *Wales* out of *Spain*; he diſwaded the Duke of *Buckingham* from the Project of alienating the Crown Lands, and from attemp-

ting to take away the Revenue belonging to the Deans and Chapters.

HE ſtood his Ground at Court all the Reign of King *James*, but afterwards the Duke of *Buckingham* finding him unmanageable to his Humour and Inclinations, puſhed at him, and occaſioned his loſing the Seal: However, he was honourably diſmiſſed, and now retiring to his Mannor at *Bugden*, he was very remarkable for his Hoſpitality and Charity, careful in inſpecting the Proceedings of his Court, diſpoſing of his Preferments with great Impartiality, and examined all his Family in a Catechiſtical Way in *Lent*.

HIS being diſmiſſed from being Lord Keeper was not the only Diſcouragement he met with at Court: For the Duke of *Buckingham* continuing his Enmity againſt him, he fell further into the King's Diſpleaſure, and was ordered not to attend at the Coronation, nor appear in Parliament. This Learned Biſhop, upon Dr. *Manwaring*'s ſtretching the King's Prerogative too high in a Sermon, endeavoured to promote the Petition of Right. Notwithſtanding he was ſtrictly conformable in his own Practice, he carried himſelf with Temper and Moderation towards the Puritans, and endeavoured all gentle Methods to win them over to the Church.

ARCHBISHOP *Laud* growing diſſatisfied with his Opinion about the ſtanding of the Communion Table, that Affair at laſt broke out into a formal Controverſie, and occaſioned *the Coal from the Altar*, which was learnedly anſwered by Biſhop *Williams*, who ſtood upon the Defenſive. He was likewiſe preparing to anſwer the *Antidotum Lincolnenſe*, but was prevented by the Barbarous Seizure of his Books:

Books: For now a Bill was preferred againſt him in the Star-Chamber for revealing the King's Secrets, Sir *John Lamb* and Doctor *Sibthorp* being the Informers.

HERE the Biſhop made ſo Noble a Defence for himſelf, that the Attorney-General *Noy* grew weary of the Cauſe, and ſlackned his Proſecution; but that great Lawyer giving Way to Fate, and the Information being managed by the Sollicitor *Kilvert* with greater Zeal than fair Play, the Biſhop was at laſt put under a very heavy Fine, and confined Priſoner in the *Tower*. But when the Parliament met in *November* 1640, the Biſhop Petitioned the King by the Queen's Mediation for his Enlargement, and that he might have his Writ ſent him as a Peer to ſit in Parliament: But the Lord Keeper *Finch* and Archbiſhop *Laud* oppoſed this Requeſt, and brought the King to refuſe it: However, about a Fortnight after, *viz.* on the 16th of *November*, the Houſe of Lords ſent the Uſher of the Black Rod to demand the Biſhop of the Lieutenant of the *Tower*, upon which he was brought to the Parliament Houſe, and took his Place amongſt his Brethren.

AND now the King underſtanding that he had behaved himſelf with Courage and Temper under his Misfortunes, and his Enemies finding they were ſo far from being able to procure him any farther Mortification, that they ſhould find it difficult enough to ſtand their own Ground, he was pleaſed to be reconciled to him, and commanded that all Orders filed and kept in any Court or Regiſtry, upon the former Hearings and Informations againſt him, ſhould be taken off, razed and cancel-

cancelled, that nothing might ſtand upon Record to his Diſadvantage.

WHEN the Earl of *Strafford* came to be Impeached in Parliament, Biſhop *Williams* defended the Biſhop's Rights to Vote in Caſes of Blood, in a very ſignificant Speech. But that noble Lord being at length found guilty by his Peers, and the King not being thoroughly ſatisfied with the Evidence againſt him, the Houſe of Lords thought fit to nominate Four Prelates, *viz.* Doctor *Uſher*, Lord Primate of *Ireland*, with the Biſhops *Morton*, *Williams* and *Potter*, to wait upon his Majeſty, to endeavour to diſentangle his Conſcience, in that knotty Affair. The Four Reverend Biſhops, tho' all of them were deſirous to preſerve the Earl, had they thought it any ways practicable, ſtated the Queſtion to the King in theſe Words: *Whether, as his Majeſty referred his own Judgment to his Judges (in whoſe Perſon they acted) in Court, of* Oyer, King's-Bench, Aſſize, *and in Caſe of Life and Death, and it lay on them, if an Innocent Man ſuffered; ſo why might not his Majeſty ſatisfie his Conſcience in the Affair then on Foot: That ſince competent Judges in Law had awarded, that they found Guilt of Treaſon in the Earl, that he might ſuffer that Judgment to ſtand, tho' in his private Mind he was not ſatisfied that my Lord of* Strafford *was Criminal, for that Juggling and Corrupt Dealing, which he ſuſpected in the Proof at the Trial, and let the Blame lye upon them who ſat on the Tribunal of Life and Death.* The Four Biſhops were all for the Affirmative.

Not long after this Biſhop *Williams* was preferred to the Archbiſhoprick of *York*, having at the ſame time the Liberty to hold the Deanery

Deanery of *Westminster*, for Three Years, *in Commendum*. About this time Discontents and Distractions ran very high in the Nation, which began to be terribly imbroiled: Among other Instances the Temporal Lords brought in a Bill to turn the Bishops out of the House of Peers, which was seconded by the Tumults and Clamorous Petitions of the City of *London*: Now to oppose and prevent the passing of this Bill, and to maintain the Ancient and Unquestionable Rights of the *English* Hierarchy, the Archbishop, at a Committee of the Lords, undertook the Cause of the Church and of his Brethren, in a long Speech, so very considerable for the Learning and Strength of Argument, contained in it, and made upon so uncommon a Subject, that you will meet with it in the Appendix, with some other valuable Pieces, that could not so properly and conveniently be inserted in these Lives, which we designed to confine within as narrow Compass as well we could.

WHEN the Archbishop made that learned Speech, the ill Humour of the Times began to run high against the Court and the Church too: However, the Strength of the Argument was such, that it laid the Bill asleep for Five Months, it having been spoken in *May* before the King set out for *Scotland*, and the Bill for outing the Bishops not taking Effect till the *November* following, when to give it the finishing Stroak, the Mob flocked about the Parliament House, and indeed grew so insolent, as to cry out for Justice in the King's Palace, committed other Irregularities, and outraged the Bishops as they went into the House. When Things were come to this fiery and disorderly Pass, that the Bishops were forcibly

forcibly kept out by the Tumults, Archbiſhop *Williams* drew up a Proteſtation, in the Name of Twelve of the Lords Spiritual, againſt the Validity of whatever ſhould paſs in the Houſe of Lords during their forced Abſence. This Proteſtation addreſt to the King and the Temporal Lords was put into the Hands of the Lord Keeper *Littleton*, who was not to read it till his Majeſty came into the Houſe: But the Lord Keeper was ſo unhappy as to produce the Petition before the King was acquainted with it, which (as my Author goes on) made a well-contrived Project break out into a Thunder-clap of Miſchief. I am not unſenſible that a late and very conſiderable Hiſtorian cenſures this Proteſtation as an unſeaſonable Expedient, and by the Manner he at any Time mentions the Archbiſhop, it looks as if he had liked it much better from any other Hand than his: However, neither he nor any Body elſe can urge any thing againſt the Legality of it. In Reality there was no Objection could be made, either againſt the Matter or the Form, the Contents thereof being very reaſonable, and likewiſe warrantable, by a Preſident in the Journal of the Houſe of Lords, in the Eleventh of *Richard* II. Numb. 9.

BUT the oppoſite Party now carrying all before them, the Biſhops were ſent to the *Tower* for their Proteſtation, tho' it was not long before they had their Liberty, and in ſhort, the King, at the Inſtance of his Queen, paſſed the Bill for excluding the Prelates out of the Houſe of Lords. When the Diſorders grew ſtill more unmanageable, the moſt Reverent Archbiſhop retired to *Yorkſhire*, furniſhed the

the King's Occaſions as well as Opportunities would permit, and was in Danger of being ſeized at his Caſtle of *Cawood* by young *Hotham*, who came in the Night with a Party to take the Archbiſhop, and as they ſaid, to murder him.

THE Archbiſhop having notice of the Deſign ſome Hours before, made his Eſcape at Midnight, and travelled to *Aberconway* in *Wales*, where he very ſtrenuouſly ſollicited the King's Intereſt, fortified the Caſtle of that Place at his own Expence, put the Country into a Poſture of Defence, and prevailed ſo far as to get the Troops raiſed for the King's Service commanded by ſuch Officers as were moſt acceptable to that Country.

THE King on his Part being informed of all this, wrote ſeveral Letters to the Archbiſhop, to teſtifie his great Satisfaction with his Conduct, and among others, one dated on the Firſt of *Auguſt*, 1643, from *Oxford*, which being highly conducing to clear the Archbiſhop from ſome Imputations of Diſloyalty, wherewith his Enemies now proſecuted him, the Purport of it was this: That being informed by his Servant *Orlando Bridgman*, not only of the good Encouragement and Aſſiſtance the Archbiſhop had given him in his Service, but alſo of his own Perſonal Endeavours to promote it; and that tho' he had had long Experience of his Fidelity, Readineſs and Zeal in what concerned them, yet it could not but be moſt acceptable to his Majeſty, that the Archbiſhop ſhould ſtill give him freſh Occaſions to remember it: Then having pray'd him to continue to give all poſſible Aſſiſtance to his ſaid Servant, he proceeded thus: 'Whereas you

are

'are now Resident at our Town of *Aberconway*, 'where there is a Castle, heretofore belonging 'to the Crown, and now to the Lord *Conway*, 'which with some Charge is easily made defensi- 'ble, but the Lord *Conway* being imprisoned by 'some of our Rebellious Subjects, and not able 'to furnish it as requisite for our Service, and 'the Defence of those Parts; You having begun 'at your own Charge to put the same into 'good Repair, we do heartily desire you to go 'on in that Work, assuring you that whatever 'Money you shall lay out upon the Fortification 'of that Castle, shall be repaid you before the 'Custody thereof shall be put into any other 'Hand than your own, or such as you shall re- 'commend.

THUS you see the Archbishop had the Custody of the Castle of *Conway*, by Vertue of his Majesties Letter under his Signet, being impowered to keep it till his Expences were reimbursed. The King sent for the Archbishop to *Oxford*, in *December* 1644, whither repairing to his Majesty, he, during his Attendance on him there, gave him the true Character of *Cromwell*, told him he knew him, and humbly advised his Majesty to do his utmost, either to Gain or Surprize him; for if he did not take him off one way or other, he would very much endanger his Ruin; which the King, and many others undoubtedly, little thought would come to pass, as it did some Years after.

IN the Year 1645, in the Month of *May*, Sir *John Owen*, who had a Commission from Prince *Rupert*, seized the Archbishop's Castle, and made Prize of his Effects, and those of the adjacent Country laid up therein, for their better Security: The Archbishop being thus forcibly

cibly turned out of the Caſtle, which he held by the King's Order, ſent a Complaint of this ſevere Uſage to *Oxford*, but the Meſſenger, upon his Return, brought him no Redreſs.

ABOUT Fifteen Months after this Outrage, when the Battle of *Nasby* was loſt, *Cheſter* ſurrendred to the Parliament, *Oxford* inveſted, and in ſhort, the King in no Likelihood to appear any more in the Field, when Things, I ſay, were brought to this deſperate Condition, and that Colonel *Milton*, who commanded for the Parliament, was going to ſet down before the Caſtle, the Archbiſhop, with the reſt of the Country, thought it moſt adviſable to make terms with him, promiſing him their Aſſiſtance, upon Condition he would reſtore them their Effects, which were ſo unjuſtly detained by Sir *John Owen*: And thus the Archbiſhop, with the Aſſiſtance of his Relations, was inſtrumental in forcing the Caſtle.

THIS Action of the Archbiſhop, tho' it amounted to no more than the recovering a Place, unwarrantably wreſted from him, and ſurrendring it up to the Enemy, when the keeping of it for the King was abſolutely impracticable; yet ſuch has been the Malice of Mankind, that it has been repreſented very much to the Archbiſhop's Diſadvantage, and ſtrained ſo high by ſome, as open Diſloyalty, which, ſays Biſhop *Hacket* very juſtly, upon a due and equitable Conſideration of the Circumſtances, was much more than the Charge would bear.

AFTER the fatal and barbarous Exit of the King, the Archbiſhop lived very retiredly, ſeemed to take no Pleaſure in his Life, and was wont

wont to ride every Night at Midnight to an adjacent Chapel for his Devotions: In ſhort, the ſad Confuſion of the Times made a conſiderable Impreſſion upon his Health, which growing worſe and worſe, brought a Squinancy upon him, which carried him off this Earthly Stage of Mortality on the 25th of *March* in 1650.

HAVING touched upon his Character before, we ſhall add in this Place, that the Archbiſhop was a Man of great Learning and Courage, a Perſon extreamly well qualified for Buſineſs, being no leſs acquainted with Men than Books; and if any thing may be mentioned of him by way of Allay, it muſt be the Warmth of his Temper, which it may be was the only Failing that belonged to him; but then the Starts of his Paſſion never ſettled into Malice and Revenge, for no Body was more diſpoſed to forgive an Injury than himſelf: There need no more to be repeated concerning the Learning and Abilities of this Archbiſhop. A Modern Author ſays, he equalled *Richlieu* in Parts, and exceeded him in Learning; and that if he had had a Maſter of ſo much Conſtancy and Steadineſs as the other, he would every whit have made as great a Figure in the World: And perhaps it will not be improper to give one Inſtance of his Policy while he was Lord Keeper, and the Finery he uſed to detect a Matter that was very neceſſary to be known at that time, for the Benefit of Prince *Charles* and the Duke of *Buckingham*.

WHILE the Marriage between the Prince of *Wales* and the *Infanta* of *Spain* was in Agitation, the King of *Spain* ſent the Marquiſs of *Inoioſa* to be his Ambaſſador in *England*, a Man of true *Spaniſh* Gravity and Severity, a great Zealot for the *Romiſh* Superſtition, and the

the moſt ſurly and unpleaſant Man that ever came to the Lord Keeper about Buſineſs: Now the Duke of *Buckingham* proving at laſt the Inſtrument in breaking off the Match, and knowing the Marquiſs's vindictive Nature, would never let him have an Opportunity of a private Audience of the King in the Duke's Abſence: The Marquiſs impatient of any longer Delay, in *April* 1624 contrived an Expedient to put the following Paper into the King's Hands, by ordering *don Carlo de Colonna* to keep the Prince and Duke in earneſt Diſcourſe, the Ambaſſador at the ſame time winking at the King to put it into his Pocket. Wherein,

1. HE terrified King *James*, that he was not, or could not, be acquainted with the Paſſages of his own Court, or of the Parliament, ſince he was kept from all the faithful Servants that would have informed him by the Miniſters of the Prince and Duke; and that he was as much a Priſoner as King *John* of *France* in *England*, or *Francis* the Firſt at *Madrid*, and could not be ſpoke with but in the Preſence of ſuch as watched him.

2. THAT there was a ſtrong and violent Machination on Foot, which had turned the Prince from a moſt Obedient Son, to a quite contrary Courſe to his Majeſties Intentions.

3. THAT the Council had begun the Preceding Summer at *Madrid*, but had been lately reſolved on in *England*, to reſtrain his Majeſty from the Exerciſe of the Government of his Dominions; and that the Prince and Duke had deſigned ſuch Commiſſioners

under themſelves, as would intend great Things, and the Publick Good.

4. THAT this ſhould be effected by beginning a War, and keeping up ſome Regular Troops at home, whereby to force his Majeſty to yield to any Compliance, he being chiefly brought to Streights for want of Money to pay his Soldiers.

5. THAT the Prince and Duke's taking Care to keep the Lord Ambaſſador, and others of his Loyal Subjects, from his Majeſty, ſo as to have no private Conference with him, argued in them a Fear and Diſtruſt of a good Conſcience.

6. THAT the Duke's Emiſſaries had brought the King into Contempt with the Great Men of the Kingdom, traducing him for being ſlothful and unactive, for Addiction to an inglorious Peace, while the Inheritance of his Daughter and her Children was in the Power of his Enemies: That this appeared by a Letter the Duke had writ into *Holland*, which they had intercepted.

7. THAT his Majeſty's Honour, nay, his Crown and Safety, depended upon the Sudden Diſſolution of the Parliament.

8. THEY loaded the Duke with ſeveral Miſdemeanours in *Spain*, and his violent Oppoſition of the Match.

9. THAT the Duke had divulged the King's Secrets, and the cloſe Deſigns between his Majeſty and their Maſter King *Philip*, about the States of *Holland* and their Provinces, and laboured to run his Majeſty out of of the good Opinion of the *Hollanders*.

10. THAT the Duke was guilty of corrupt Practices with the Ambaſſadors of divers Princes.

11. THAT

11. THAT all Things were carried on in the Parliament with an heady Fury, and that the Duke was the Cauſe of it, who courted them only that were of turbulent Spirits.

13. THEY directly contradicted themſelves in the 13th Article; for having made the Prince privy to dangerous Deſigns before, they now ſaid, the *Puritans*, of whom the Duke was the Head, wiſhed they would bring it about, that the Succeſſion of the Crown might go to the Prince *Palatine*, and his Children, in Right of the Lady *Elizabeth*.

THEY prayed the King in a Poſtſcript to their Paper to admit *don Franciſco Carandolet*, Secretary to the Marquiſs *Inoioſa*, into his Preſence, when the Prince and Duke were in the Houſe of Lords, which was performed by the Earl of *Kelly*, Firſt for *Franciſco*, and afterwards for *Padre Maeſtro*, who told their Minds ſo ſpitefully, that it much diſquieted his Majeſty; who began at laſt to entertain an ill Opinion of the Duke, and complained to one of them that he had of late noted a Turbulent Spirit in him, and knew not how to allay it; ſo that in coming to caſt up the Sum he doubted it might fall to his Turn to pay the Reckoning.

THE King beginning now to entertain the Prince and Duke with Myſtical and Broken Speeches, they were both much nettled at it, and could penetrate no farther into the Reaſon of this ſudden and unexpected Change, than that they learnt the *Spaniſh* Ambaſſador's Secretary, and *Maeſtro* the Jeſuit, had been with the King, and underſtood that ſome

had vaunted in the Ambaſſador's Houſe, that they had nettled the Duke, and that a Train would ſhortly take Fire that would blow up the Parliament.

THE King on the other Hand in this Perplexity of his Affairs taking Coach, and the Prince along with him, at St. *James*'s *Gate*, to go to *Windſor*, found a ſlight Errand to leave the Duke of *Buckingham* behind; who being terribly ſtruck therewith, with Tears in his Eyes; and humble Prayer, beſought his Majeſty to let him know what could be laid to his Charge to offend ſo good and gracious a Maſter, and vowed by his Saviour's Name he would purge, or confeſs it. The King would not ſatisfie him, but breathed out his Diſguſt, that he was the unhappieſt Man alive to be forſaken of them that were deareſt to him, which was uttered and received with Tears from his own Eyes, as well as the Prince's and Duke's, and made haſte to *Windſor* without his Grace.

THE Duke in this forlorn State retired to *Wallingford-Houſe*, and was in ſuch Confuſion and Diſtraction of Spirit, that when the Lord Keeper, who had Information of all that had hapned, and was more careful of the Duke than he was of himſelf, came to him, he found him upon his Couch, in that ſtunned and immoveable Poſture that he would neither riſe nor ſpeak, tho' the Lord Keeper by ſeveral Courteous Queſtions invited him to it; However, he told him by the Faith of a deep Proteſtation that he came purpoſely thither to prevent more Miſchiefs, and to bring him out of that Sorrow; into the Light of the King's Favour, that he verily believed God's directing Hand was in it, to ſtir up his Grace

to

to advance him to thoſe Favours which he poſſeſſed to do him Service at that Pinch of Extremity.

THEN the Lord Keeper deſired the Duke to make haſte to *Windſor*, and to appear in the King's Preſence before Supper was over, to demean himſelf with all the agreeable Addreſs he could, and not to ſtir from him Night nor Day, for the Danger was, leſt ſome ſhould take an Opportunity to interpoſe, and put him upon breaking up the Parliament: That their next Hope was upon the Diſſolution of the Parliament, to ſee his Grace committed to the *Tower*, and then God knew what might follow: He farther preſſed him to be ſecret, quick, and judicious in the Prevention; that it was not convenient to ſay any more, becauſe the Loſs of Time might loſe all: The Duke thanking the Lord Keeper, haſtned to *Windſor*, and was there as unſeparable from the King as his Shadow.

THE Delicacy of the Keeper's Wit in unriddling this Myſtery, came not ſhort of that of *Cicero*, in finding out the bottom of *Cataline*'s Conſpiracy, and he did it by a Woman too, tho' after a different manner: For *Fulvia* of her own Accord, and in Spite and Emulation of *Sempronia*, detected that of *Cataline*; but the Lord Keeper Bribed one of *Fulvia*'s Stamp to get an Inſight into this Deſign, which ſo much perplex'd the King.

IT looks as if the Prince and Duke had had ſome Jealouſie, leſt the *Spaniſh* Ambaſſador might infuſe ſomewhat into the Lord Keeper; that ſhould ſpoil the Narrative the Duke had made of the *Spaniſh* Match in the Parliament, and therefore the Lord Keeper had given expreſs Orders, that neither the

Spaniſh Ambaſſador, nor any of his Retinue or Followers, ſhould come near him, whereby he had been for about a Month's time precluded from any Intelligence from thence: But before this, *Carandolet*, the *Spaniſh* Secretary, was frequently at my Lord's, and being a *Walloon* by Birth, Archdeacon of *Cambray*, and of a much more free and agreeable Humour than the Ambaſſador, the Lord Keeper contracted an Intimacy with him, and got out of him what an Humble Servant he was to ſome of our *Engliſh* Ladies of Pleaſure. But above all to one in *Mark-Lane*, who managed the Secretary ſo dexterouſly, that he could keep no Secret from her ſhe had a mind to know: With her the Lord Keeper Correſponded, and made her large Preſents, and by her Means he got the Rough Draught of the Paper the Ambaſſador had put into the King's Hands. In the mean time the Lord Keeper had Notice there was an *Engliſh* Prieſt that lived in *Drury-Lane*, whom the Secretary loved above any other, even his own Confeſſor: Now the Commons having drawn a Remonſtrance againſt the Liberty the *Romiſh* Prieſts aſſumed in the Nation, which put them into a great Fright; the Lord Keeper in this time of Conſternation ſent Captain *Toothbie*, his Purſevant, to ſeize the Prieſt, with Orders not to Commit him to Priſon, but to Keep him at his own Houſe till farther Direction. The Secretary ſoon hearing of his Friend's Misfortune, was extreamly ſollicitous for his Enlargement; and knowing no other Way to effect it but by the Intereſt of my Lord Keeper, from whoſe Company he was precluded, he ſent in this Extremity to his Lordſhip, to beg of him to

ſee

ſee his Face but that Day, tho' he were never to ſee him more: This was what the Lord Keeper deſired, tho' he ſeem'd unwilling to admit him: However, he ſaid, if the Secretary came about Eleven at Night he would order one of his Servants to let him in at the Back-Door of the Garden. The Secretary upon his Admiſſion told his Lordſhip, that nothing but a Matter as dear to him as his Life ſhould have forced him to break Rules, to offend him with his Preſence: Then bewailing the Misfortune of his Brother Prieſt in being confined as he was, he moſt compaſſionately implored his Lordſhip to Compaſs his Deliverance.

'AND would you have me, ſaid the 'Lord Keeper, run ſuch a Risk as to ſet 'a Prieſt at Liberty, a dead Man by our Law, 'when the Eye of the Parliament is ſo vigilant 'upon the Breach of Juſtice, eſpecially in this 'kind, to the Grief of Pious Men, who deteſt 'thoſe that come hither out of Seminaries a-'bove all other Malefactors, becauſe they come 'with an Intent to pervert them who have lived 'in the Boſom of our Church.

MY Lord, (ſaid *Franciſco*,) *let not the Dread of this Parliament trouble you, for I can tell you, if you have not heard it, that it is upon Expiration.* This being a fair handle, the Keeper then picked out of him the Heads of the Articles in the Paper the Ambaſſador had given the King, with all the Reaſons, Circumſtances, and diſtorted Proofs and Expoſitions to confirm them, and about Two in the Morning diſmiſſing the Secretary, ordered the Purſivant to releaſe the Prieſt, with a Caution that he ſhould that Day or the next croſs the Seas.

THE Lord Keeper, who was as happy in his Memory, as in his Wit and Invention, after the Secretary was gone, neither ſlept, nor ſtirr'd out of the Room, till he had digeſted all that the Secretary had told him into Writing, with his Obſervations on each Particular: And when he had made up a fair Copy, he carried it to the Prince at St. *James*'s, who read the Charges, and admired their Virulency, but very much commended the Antiſcript of the Keeper, and thereupon cauſed his Coach to be made ready to go to *Windſor*: But firſt the Keeper humbly begg'd of his Highneſs to conceal the Matter for Two Reaſons: Firſt, for prying into the King's Counſels, which he would not ſhould be diſcloſed. Secondly, that when he had found them out he ought not to diſcover them, tho' to his Highneſs himſelf: The Prince having promiſed all this, and ſhewing the Duke the Paper privately at *Windſor*, and the Apology in the other Column, the Duke humbly thanked his Highneſs, that his Caſe was interwoven with the Prince, and their double Vindication put into one Frame, and intreated his Highneſs to let him know what *Vitruvius* had compacted ſuch a Piece of Architecture, of ſo much Vicinity, in ſo ſhort a time, but could not obtain his Requeſt.

HOWEVER, they immediately deſired a private Audience of the King, and preſented the Schedule to his Majeſty's Conſideration, which he read very deliberately, and at ſeveral Stops ſaid, *'twas well, 'twas well*: Then commanding the Prince and Duke to draw near, he embraced them both, proteſting he was very ſorry that he had grieved them with a Matter fomented

mented by those that were no better than Traitors: *And that you may*, continued the King, *see how little you shall pay me for Reconciliation, I require no more than that you should tell who is your Engineer that struck these Sparks out of the Flint to light the Candle to find the Groat that was lost:* The Prince stood Mute, and the Duke vowing he did not know the Author: *Well*, said the King, *I have a good Nostril, and will answer my own Question; my Keeper had the main Finger in it: I dare swear he bolted the Flower, and made it up into a Paste. Sir*, said the Prince, *I was precluded by my Promise not to reveal it, but I never promised to tell a Lie for him: Your Majesty has hit the Man: And God do him good for it*, said the King, *I need not tell you both what you owe him for this Service; he has done himself this Justice with me, that I discern his Abilities more and more.*

THIS Adventure, tho' long, could not be omitted for the Honour of so Eminent a Statesman. But to conclude all, this Great Man was unexceptionably Regular and Temperate, as well as very Remarkable for his Justice, Charity, and Munificence.

WHEN the Great Seal was taken from Bishop *Williams*, the King on the First of *November*, in the First Year of his Majesty's Reign, was pleased to commit it to the Custody of Sir *Thomas Coventry*, Knt. with the Title of Lord Keeper. This Gentleman's Father, whose Name was also *Thomas Coventry*, was a Native of *Worcestershire*, but descended from *John Coventry*, a Mercer, and Lord-Mayor of *London* 1625.

London in the 4th of King *Henry* VI. being a Member of the Honourable Society of the *Inner-Temple*, he became ſo happy a Proficient in his Studies there, that in the 38th of Queen *Elizabeth* he was choſen Autumn Lecturer, then elected to the Degree of a Sergeant at Law; in the Third Year of King *James* named the King's Sergeant, and ſoon after conſtituted One of the Juſtices of the Court of Common-Pleas. His Son *Thomas* diligently purſuing his Father's Steps in the Study of the Law, was on the 14th of *March*, in the 14th Year of King *James*, made Sollicitor-General, and on the 11th of *January*, in the 18th Year of the ſame King, promoted to be Attorney-General, from which Office he was advanced to the Great Seal, as aforeſaid.

KING *Charles* I. in the Fourth Year of his Reign was pleaſed to dignifie him with the Degree of a Baron of this Realm, by the Title of Lord *Coventry*, of *Ailesborough*, in the County of *Worceſter*. He kept the Great Seal about 14 Years, and died in his Place in 1639, with a juſt and fair Character in his Office, that he took no more Fees than what were underſtood to be the Juſt and Lawful Perquiſites of the Place. Some of his Succeſſors having ſo far approved of his Conduct, that they propoſed to themſelves his Example for their Pattern, and cloſely followed it as the Practice of the beſt of Times.

MY Lord *Coventry* was ſucceeded in his Honour and Eſtate by his Son and Heir *Thomas*, who Married *Mary*, Daughter to Sir *William Craven*, Knt. Lord Mayor of *London*, in the Year 1611, and departed this Life in 1662, leaving Two Sons, *George* and *Thomas*, which *George*, afterwards Lord *Coventry*, Married *Margaret*,

Margaret, Daughter to *John* Earl of *Thanet*; by whom, as I take it, he had *Thomas*, created by the late King *William* III. Earl of *Coventry*, and now enjoys both the Eſtate and Honour, being a Noble Lord of great Goodneſs and Merit.

UPON the deceaſe of the Lord *Coventry*, the Great Seal was deliver'd to Sir *John Finch*, Knt. with the Title of Lord Keeper, upon the 23d of *January*, in the 15th Year of King *Charles* I's Reign. This Gentleman was Bred in the Honourable Society of *Grays-Inn* in the Study of the Law, wherein he attained in Time to an uncommon Knowledge, and in the Year 1633, when the Inns of Court had reſolved to preſent the King and Queen with a Mask, this Gentleman was One of thoſe deputed by *Grays-Inn* to be the Manager of that Solemnity, wherein he took no ſmall Pains: And a little while after the Mask was performed, being with others, appointed by the Committee, to attend Their Majeſties in the Name of the Four Inns of Court, to return their Humble Thanks to them for their Gracious Acceptance of the Tender of their Service to them therein, this Gentleman was their Spokeſman both to the King and Queen upon that Occaſion, he being at that time Attorney to her Majeſty. 1639.

THIS Great Man not long after this, *viz.* on the 14th of *October*, 1634, was Preferred to be one of the Judges in the Court of *Common Pleas*, and on the 21ſt of *January*, 1635, Conſtituted Chief Juſtice of that Court.

SOON after which Mr. *Hampden* denying the Payment of Ship-Money, the King was

was adviſed by the Lord Chief Juſtice *Finch*, and others, to require the Opinion of the Judges in the Matter. This having been done by ſtating the Caſe in a Letter, the Chief Juſtice, after many Sollicitations, with Promiſes of Preferment to ſome, and high Threats againſt others he found hefitating and doubtful, at length got their Anſwer to the King's Letter, and their Opinion in theſe Words. *We are of Opinion, that when the Good and Safety of the Kingdom in general is concerned, and the whole Kingdom in Danger, your Majeſty may by Writ under the Great Seal of* England, *command all your Subjects of this your Kingdom, at their Charge to Provide and Furniſh ſuch Number of Ships, with Men, Victuals, and Ammunition, and for ſuch a time as your Majeſty ſhall think fit, for the Defence and Safeguard of the Kingdom from ſuch Peril and Danger: And that by Law your Majeſty may compel the Doing thereof, in Caſe of Refuſal or Refractorineſs. And we are alſo of Opinion, that in ſuch a Caſe your Majeſty is the Sole Judge, both of the Dangers, and when, and how, the ſame is to be prevented and avoided.*

FINCH, and ſome others of the Judges, having Signed this Anſwer, 'twas for this, and his other forward Services for the Court, that he was preferred to the Dignity of Lord Keeper, when the Seal became Vacant, as before-mentioned: Now the King having called a Parliament to Meet on the 13th of *April* 1640, which was abruptly Diſſolved on the 5th of *May* following, and yet having a Mind to continue the Sitting of the Convocation, that were pliable enough to the Court, he granted them a New Commiſſion, for the Concluſion

Concluſion of ſuch Matters as were then on Foot before them: Yet by the Opinion of the Lord Keeper and others, ſignified to the King, the Convocation called by the King's Writ was not to Diſſolve but by the King's Writ, notwithſtanding the Diſſolution of the Parliament; but it was held moſt adviſeable, and to clear all Objections, to continue them by this New Commiſſion.

THE King's Affairs putting him under an unavoidable Neceſſity of calling a new Parliament on the 3d of *November* the ſame Year, the Commons began to call thoſe to an Account who had been Guilty of ill Advice to the King, and the Occaſion of the many Grievances the Nation laboured under, and amongſt others, prepared to Impeach the Lord Keeper *Finch* of High Treaſon. The Keeper upon Notice thereof deſired Leave of the Houſe to be admitted to ſpeak for himſelf before them, which was granted, and a Chair being placed for him near the Bar, he entred the Houſe, carrying the Purſe himſelf: When the Speaker told him that his Lordſhip might ſit down, he made a low Obeyſance, and laying down the Seal and his Hat in the Chair, himſelf leaning on the Backſide of it, he made a very Eloquent and Ingenious Speech in his own Vindication, *& Captare Benevolentiam*, delivering it with an Excellent Grace and Geſture, as well as Words, which ſee in the *Appendix*. Many of the Members were very much taken with his Eloquence and Carriage, looking upon it as a ſad Sight to ſee a Perſon of his Grandeur, Parts, and Favour, appear in ſuch a Poſture, before ſuch an Aſſembly, to Plead for his Life and Fortunes.

BUT

BUT all the Commiseration some might have for him availed him little, for he was the same Day upon these following Articles Voted a Traitor, 1. *For refusing to read the Remonstrance against the Lord Treasurer* Weston, *in the 4th Year of the King's Reign, when the Parliament desired it.* 2. *For soliciting, perswading, and threatning the Judges to deliver their Opinions for the Levying of Ship-Money.* 3. *For several illegal Actions in Forrest Matters.* 4. *For ill Offices done in making the King dissolve the last Parliament, and causing his Declaration to be put out thereupon.*

THE Lord Keeper being next Day accused before the Lords, he got up earlier than they, gave them the slip, and made his Escape into *Holland*. What became of this Gentleman since I could never learn: It's probable, considering the long Distractions that followed, for about Twenty Years together, he died in Exile.

1640. THE Lord Keeper *Finch* having in this Manner made his Exit, as to the Management of any Publick Affairs in *England*, his Majesty was pleased to Commit the Great Seal, on the 23d Day of *January*, in the 16th Year of his Reign, to the Custody of Sir *Edward Littleton*, Knt. with the Title of Lord Keeper. This Gentleman was the Eldest Son of Sir *Edward Littleton* of *Munslou* in *Shropshire*; and after having gone through the Grammar Schools, was sent to *Christ-Church* in *Oxford*, where he took his Degree of Batchellor of Arts.

BEING a Member of Parliament in 1628, he had the Management of the high Presumption charged on the Duke of *Buckingham*, about King *James*'s Death, upon which Critical Occasion he behaved himself with Universal Applause, between the Jealousie of the People, and the Honour of the Court.

SOME of Sir *Edward*'s first Preferments in the Law was to be a Judge in North *Wales*, after which he was Elected Recorder of *London:* The King on the 17th of *October*, 1634, made him Sollicitor-General, from which being advanced to be Attorney-General, he was Constituted Chief Justice of the *Common-Pleas* on the 27th of *January*, 1639, and soon after came to be Lord Keeper, as aforesaid: This Gentleman in the beginning of the Parliament, that began *November* the 3d, 1640, was in good Esteem with both Houses; and when the King had passed the Triennial Bill, and that of the Subsidies, Both Houses by the Lord Keeper *Littleton* returned their Thanks to his Majesty, and by their Orders were Bonefires, Bells-ringing, and all Signs of Joy made through the City.

BUT the Breach beginning some time after to be made between the King and Parliament, and his Majesty removing Northward, the Lord Keeper kept with the latter, and made such Compliances in the House of Lords, that the Court grew angry with him, and the King was once upon the Point of sending for the Seal away from him; but having afterwards handsomely excused what he had done, the King altered his Resolution. The Keeper secretly left the Parliament, and retired to his Majesty to *York*, acted as Lord Keeper,

Keeper, and followed his Fortune all along till his Death: Tho' the Parliament finding the great failure of Juſtice for want of the Great Seal, in 1643 Voted, that if the Lord Keeper *Littleton* did not return with it in Fourteen Days he ſhould loſe his Place, and whatſoever ſhould be afterwards Sealed with that Great Seal ſhould be void. The Lord Keeper died on the 27th of *Auguſt* 1645, his Majeſty having ſome time before Created him Baron of *Munſlou*; but I think he left no Iſſue to inherit his Eſtate and Honour.

1645. UPON the Death of Sir *Edward Littleton* the King thought fit to commit the Cuſtody of the Great Seal to Sir *Richard Lane*, Knt. This was done on the 30th of *Auguſt* 1645, at *Oxford*. This Gentleman, who was Bred up in the Honourable Study of the Law, became in time Attorney to his Royal Highneſs the Prince of *Wales*, and when the Great Earl of *Strafford* came to be Impeached in Parliament, and that his Anſwer was poſitively required to be put in by the 24th of *February*, *Lane* being of the Earl's Council, took abundance of Pains in this great and difficult Work.

NOW the Houſe of Commons having thought fit to Juſtifie their Charge by Law againſt the Earl to be Treaſon; and it being among many other Things inſiſted on, that in the Statute of 25 *Edward* III. the *Index* of Treaſon was a *Salvo*, that becauſe all particular Treaſons could not then be defined, therefore that what the Parliament ſhould declare to be Treaſon for the future ſhould be puniſhed as Treaſon. Sir *Richard Lane* learnedly made

argued upon that Statute that it was a declarative Law, not to be extended by Equity, Conſequence, or Conſtruction, but by the expreſs Letter only; and being a Penal Law, admitted of no Inferences: Penalties being to enforce Obedience to known Laws, not too doubtful or conjectural: As to the Salvo, he ſaid, that in the 6th of *Henry* VIII. a Petition was preferred by the Lords to have all Treaſons limited by Statute, and in that Parliament, *Chap.* 20. an Act was made, whereby that Salvo in the 25th of *Edward* III. was Repealed, and nothing was Treaſon but what was literally comprehended in that Statute of the 25th of *Edward* III.

THIS Gentleman following the Fortune of the Royal Cauſe, was on the 23d of *January* 1643 advanced at *Oxford* to the State and Degree of a Serjeant at Law; and having the Great Seal given him, with the Title of Lord Keeper, as aforeſaid, he continued very faithful all along in his Imployment: And being one of the Council in *Oxford*, for the better Management of the Garriſon and Defence of the City, when in 1646 it was Beſieged by the Parliament's Forces, under the Command of Sir *Thomas Fairfax*, he was the firſt in Order of thoſe on the Royal Side that Signed the Articles for Surrendring that Important Place to the Parliament. How long Sir *Richard Lane* lived after this I cannot learn; he followed the Young King, as I take it, in ſome Part of his Exile, and kept the Seal to his Death.

THE next Perſon with whom King *Charles* II. in his Exile intruſted the Great Seal was Sir *Edward Herbert*, Knt. the ſame 1653.

being delivered to him at *Paris* about the Year 1653: This Gentleman was the Son of *Charles Herbert* of *Aſton*, in the County of *Montgomery*, Eſq; Third Brother to *Richard Herbert*, Father of *Edward*, firſt Lord *Herbert* of *Cherbury* in *England*, and of *Caſtle-Iſland* in *Ireland*, and of Sir *Henry Herbert* of *Ribbesford*, in the County of *Worceſter*, Maſter of the Revels, Father to the late Lord *Herbert* of *Cherbury*.

THIS Gentleman, after having gone through a Courſe of Studies ſuitable to the better qualifying of him for the Honourable Profeſſion of the Law, became a Student in *Lincoln*'s-*Inn*, and was in the Year 1633 one of thoſe deputed by that Society to ſee that the Mask to be preſented by the Inns of Court, before their Majeſties, ſhould be done Regularly, and in good Order. Sir *Edward*, in 1639, on the 25th of *January*, was made Sollicitor-General to the King, and being a ſtrict Adherer to the Court Party, was promoted on the 29th of *January* 1640 to the Office of Attorney-General. Now the King having ſome time after this cauſed Articles of High Treaſon, and other Miſdemeanours, to be exhibited by the Attorney-General againſt Five Members of the Houſe of Commons, for ſome Freedom of Speech in Parliament, when things came pretty near a Rupture between his Majeſty and the Two Houſes, and that the Court was removed to *Royſton*, the Attorney-General was Summoned to appear at the Lords Bar to anſwer concerning thoſe Articles: But the King, by his Letter to the Lord Keeper *Littleton*, took all the Matter upon himſelf, and excuſing his Attorney, concluded, that finding Cauſe to deliſt wholly from proceeding

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ing againſt the Perſons accuſed, he had commanded his Attorney to move no farther therein.

UPON the breaking out of the Civil War Sir *Edward* all along followed the Fate and Fortune of the Court, and had the Cuſtody of the Great Seal, as aforeſaid; but he did not keep it long, for it was taken from him in *May* 1654, and lay by till *Chriſtmas* $165\frac{7}{8}$, when Sir *Edward Hide* had the Cuſtody of it, with the Title of Lord Chancellor.

SIR *Edward* having ſpent the reſt of his Days in Exile and Solitude, died at *Roan* in *Normandy* in the Year 1660. This Gentleman was the Father of Colonel *Charles Herbert*, Commander of a Regiment of Foot in the Service of King *William*; he was Slain at the Battle of *Aghrim* in *Ireland* in 1691, as he was valiantly fighting againſt the *French* and *Iriſh*: The Colonel was likewiſe Auditor of *Wales*. His Second Son is the preſent Earl of *Torington*, who was ſometime Maſter of the Robes to King *James* II. but afterwards betaking himſelf to the Service of the late King, then Prince of *Orange*, and having the Chief Command of the Fleet in his Expedition to *England* in 1688, his Majeſty, in Conſideration of his Merit and Fidelity, advanced him to the Dignities of Lord *Herbert* of *Torbay*, in the County of *Devon*, and Earl of *Torington* in the ſame County, with the Remainder of the Barony to his Brother the Colonel already mentioned: He was likewiſe Conſtituted Vice-Admiral of *England*, and Admiral and Commander in Chief of their Majeſties Fleet, having been Rear-Admiral in the latter Part of King

Charles IId's Reign: But the unhappy Naval Fight at *Beachy-Head*, which fell out in 1690, ſoon put him out of thoſe Honourable Poſts, but never out of the good Opinion of ſome very Able Sea Commanders, who always juſtified his Conduct on that Occaſion. His youngeſt Son was *Edward*; he was Educated at *Wikeham* School near *Wincheſter*, and thence Elected Probationer Fellow of *New Colledge*; but before he took the Degree of Maſter of Arts, he went to the *Middle-Temple*, ſtudied the Law, and became a Barriſter. Being not able to ſubſiſt by his Profeſſion, ſome People have been ſtrangely impoſed upon if he did not for ſome time ride as a private Man in the Guards at *Dublin*. But be this as it will, and which Way ſoever his Knowledge in the Law came to be taken notice of, he became in time Attorney-General in *Ireland*, after that Chief Juſtice of *Cheſter*, in the Room of Sir *George Jeffreys* made Lord Chief Juſtice of the *King's Bench*: He was Knighted by King *Charles* II. on the 19th of *February* 1683, and upon Sir *John Churchil*'s Promotion to be Maſter of the Rolls, in the Room of Sir *Harbottle Grimſton*, deceaſed, he was made Attorney to the Duke of *York*. On the 16th of *October* 1685 he was ſworn Lord Chief Juſtice of the *King's-Bench*, and one of his Majeſty King *James* II. his moſt Honourable Privy Council: Whereupon Sir *Edward Lutwich*, Serjeant at Law, was made Chief Juſtice of *Cheſter*, and about the 22d of *April* following he was removed to the *Common-Pleas*, a Place of more Profit than the other. He wrote in Vindication of himſelf a ſhort Account of the Authorities in Law, upon which Judgment was given in Sir *Edward Hale*'s his Caſe, *London* 1689. *Qu.* This was examined

mined and anſwered by Mr. *William Atwood*, Barriſter at Law, and animadverted upon by Sir *Robert Atkins*, Knt. of the *Bath*, then one of the Judges of the *Common-Pleas*: Sir *Edward Herbert* was one of thoſe, (like his Father before him,) that, I may ſay, unhappily followed the King his Maſter beyond Sea, for which, among others, he was excepted out of the Act of Indempnity or Pardon of King *William* III. and Queen *Mary*, dated *May* 23, 1690. I have taken the more ſpecial Notice of this Gentleman, becauſe King *James*, ſome time after his Abdication, was pleaſed to make him his Lord Chancellor: But being only notionally ſo as to *England*, 'twas not proper to bring him in orderly amongſt the reſt, nor yet totally to omit him. He had a great Hand in drawing ſeveral Declarations put out by King *James*, to aſſert his pretended Right to his Abdicated Dominions. The *Romaniſts* uſed him with much leſs Civility than his Merits deſerved, and he died very much neglected.

THERE is no need to recapitulate any thing here as to the State of the Great Seal before and at the breaking out of the Civil War, before the beginning of which the Lord Keeper *Littleton* had carried it to his Majeſty at *York*, to whom he conſtantly adhered: Now the Parliament about the Month of *June* this Year, finding the great Failure of Juſtice for want of a Great Seal, and withal, that the Lord Keeper did not bring it in within Fourteen Days, purſuant to their Vote, they ordered a new one to be made, with the Picture of the Houſe of

Commons, and Members Sitting on the one Side, and the Arms of *England* and *Ireland* on the other. The Cuſtody of this New Great Seal was at firſt committed to the Two Speakers, to be made uſe of by the Warrant of the Two Houſes: After which it was put into the Hands of Two Lords and Four Commoners, as Commiſſioners, who had the Authority of Keepers of the Great Seal; the firſt of which were the Earls of *Mancheſter* and *Bullingbrook*, and the others Mr. *Brown*, Mr. *St. John*, Mr. *Wild*, and Mr. *Prideaux*. The Commiſſioners, on the 22d of *October*, ſate in the Queen's Court, and ſealed above Five Hundred Writs, ſo deſirous were People to have the Courſe of Juſtice proceed.

1646. AFTER the Fatal Battle of *Naſeby*, and the Reduction of *Oxford* by the Parliament, on the 20th of *June* this Year General *Fairfax* ſent up the Great Seal which was carried away from the Parliament, the Privy-Seal, the Signet-Royal, the Seal of the *King's-Bench*, the Seal of the *Exchequer*, of the Court of *Wards*, and of the *Admiralty*, with the Sword of State, all which were delivered up to him at *Oxford*: The Seals by Order of Parliament were broken in Pieces: And the Earl of *Bullingbrook*, one of the Commiſſioners of the Parliament's Great Seal being dead, they voted the Earl of *Salisbury* to be Commiſſioner in his Place, and on the Eleventh of *Auguſt* he was ſworn accordingly.

THE Commons in *October* voted the Great Seal ſhould be put into the Hands of Three Commiſſioners, and that the Members of Both Houſes, the late Commiſſioners, as an Inſtance of the

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Parliament and Nation's Favour, ſhould have a Thouſand Pounds beſtowed upon them for all their faithful Services: That the Earl of *Salisbury* ſhould have the Thanks of the Houſe, and that the Commoners ſhould have the Priviledge to Plead within the Bar, next to the Sollicitor-General: Then proceeding to Frame an Ordinance to Conſtitute Sir *Rowland Wandeſworth*, Sir *Thomas Beddingfield*, and Mr. *John Bradſhaw*, to be the Commiſſioners, they preſented the ſame at a Conference to the Lords, who naming Four more to be added to theſe Three named by the Commons, they thereupon altered their Vote, and ordered an Ordinance to be brought in to Eſtabliſh the former Six Commiſſioners Members of Both Houſes: But Two or Three Days after the Commons voted them down again, and paſt and ſent an Ordinance to the Lords to make the Two Speakers Commiſſioners of the Great Seal, till Twenty Days after *Michaelmaſs* Term, then at Hand.

THIS variable and irreſolute Humour of the Commons became to be Matter of much Diſcourſe; and thoſe who were none of their Friends did not neglect the Opportunity to improve it all they could to their Diſadvantage; and what the Houſe chiefly excuſed itſelf upon, was, that they began to be more apprehenſive than formerly, that ſo great a Truſt as the keeping of the Seal was moſt proper and fit to be in their own Members.

IRREGULAR Conſtitutions of Government, as this manifeſtly was, muſt neceſſarily produce irregular Actions; and the Procedure already mentioned was not mended by their appointing an Ordinance to be brought

in on the 13th of *January* 164⅞, to Conſtitute Sir *John Bramſton*, Sir *Thomas Beddingfield*, and Mr. *Chute*, to be Commiſſioners of the Great Seal: But the Lords ſtill differing from the Commons in this Matter, the latter appointed the Two Speakers to act as ſuch till Ten Days after *Hillary* Term, and to conſider of Perſons to ride the next Circuit.

THE Houſes having for ſeveral Months ſquabbled in this Manner about the Diſpoſal of the Seal, they agreed at length in *March* to put it into the Hands of the Earl of *Kent*, the Lord *Grey* of *Werk*, Sir *Thomas Widdrington*, and Mr. *Whitlock*. As for this laſt you ſhall have his Life at large, ſo as that there needs be no farther than a bare mention of him in this Part of the Work. The Character given of the Earl of *Kent* in ſhort was this; that he was a very Honeſt and Juſt Man, of good Rational Parts and Abilities, and of an Ancient and Great Family, who would be a Countenance to that Affair, and ſo was held a fit Perſon for the Houſe of Lords. The Lord *Grey* was a Noble Lord, of great Parts, and ſometime acted in theſe turmoiled Times as Speaker of the Houſe of Lords: That Sir *Thomas Widdrington* was a Gentleman of known Integrity, and great Abilities in his Profeſſion, which was that of the Law; that he was Brothe-rin-Law to Sir *Thomas Fairfax*, 1648. the Parliament's General, whoſe Siſter he had Married, and was a very fit Member of the Houſe of Commons, to be intruſted with ſo weighty an Affair: Theſe Commiſſioners had a Stipend ſettled upon them, which was ordered to be paid by the Commiſſioners of the Cuſtoms, and the Commiſſion was revived

for

for the hearing of Cauſes in Chancery; and Dr. *Bennet* and Mr. *Elkenhead*, were added to them.

THINGS going on in this Manner till the Murder of the King, and the Aboliſhing of Monarchy, the Parliament ordered a New Great Seal to be made, which was to be that of the Commonwealth. An Act was appointed to be brought in to make *Widdrington* and *Whitlock* Commiſſioners of it, with a Blank for others to be added: *Widdrington* excuſed himſelf very earneſtly from accepting of it, upon the Account of his want of Health, but that being not allowed, he farther excuſed himſelf, by reaſon of ſome Scruples of Conſcience upon him, concerning acting in that high Place, tho' he did acknowledge the Authority, and ſubmitted to it, and had acted by Vertue of it, in Signing a Warrant to adjourn the Term, and bringing in the Great Seal without the Lords Commiſſioners: The Houſe, after long Debate, allowed his Excuſe; and to manifeſt the Senſe they had of his former Services, and that they took no Notice of his ſcrupling their Authority, they ordered he ſhould Practice within the Bar, and gave him a Quarter's Sallary more than was due to him.

WHITLOCK being oblig'd to ſtand, Mr. *John Liſle* was named to be another of the Commiſſioners, and after a ſhort, but no preſſing, Excuſe, made by him, and an Oſtentatious Acknowledgment of their Supream Authority, which he had done before with a Witneſs, by being one of the King's Judges, they Voted him and Serjeant *Keeble* to be the other Two; that they ſhould be Commiſſioners

oners *quam diu ſe bene geſſerint*; and having alſo the Title of Lords Commiſſioners, the Speaker gave them their Oaths, well and truly to execute the Place of Commiſſioners of the Great Seal, and then he delivered the New Great Seal to them.

THERE are little or no Remains upon Record of what theſe Commiſſioners did under this New Turn of Government: *Liſle* eſpecially was extreamly forward, according to his Underſtanding, to do any thing that contributed to the firm Eſtabliſhment of it, and in 1650 very readily complied with an Order, that all Indictments, Outlawries, and other Acts againſt any Perſon, for adhering to the Parliament, remaining upon Record, ſhould be ſearched out by the Commiſſioners, taken off the Files, cancelled and burnt, as Things ſcandalous and void: He was likewiſe imployed as Commiſſioner in preparing an Act, that all Patents for granting any Title of Honour to any Perſon, after the carrying away of the true Great Seal to *Oxford*, ſhould be annulled and made void: That none of them likewiſe ſhould take upon them that Title, nor any preſume to give it them.

WHEN *Cromwell* aſſumed the Supream Power to himſelf, by diſcarding the Parliament, Sir *Thomas Widdrington*, whether thinking this Turn of Affairs more agreeable to the Old Regal Government, and ſo to his own Sentiments, I know not, and *Liſle*, were ſworn Commiſſioners of the Great Seal, *Whitlock*, who was then Ambaſſador in *Sweden*, being to be the Third of them: But *Widdrington*, as well as this laſt, after his Return

turn refuſing in 1655 to comply with an Ordinance made by the Protector and his Council, for regulating Matters in Chancery, they were outed.

BUT Major *Liſle*, their late Colleague, who was a Man for all Aſſays, complied: 'Tis true, the Protector kept the Seal in his own Cuſtody ſome Days, and diſpatched ſome Affairs under it in his Chamber, where the Officers attended till he had pitch'd upon the Perſons to whom he ſhould commit the Cuſtody of it: At length having delivered it to Colonel *Fiennes* and *Liſle*, the firſt of them had never any Experience in Matters of this Nature, and the other had as little Knowledge, till by accompanying the late Commiſſioners, he gained ſome Smatterings in them. However, he now carried things with an high Hand and ſupercilious Deportment, and ſo continued to the Death of *Cromwell*. 1655.

IT was very odd to ſee the Management of the firſt and moſt difficult Civil Office in the State committed to a Colonel and a Major: But theſe were the Actions of outercourſe and unexampled Times. *Nathaniel Fiennes* was the Second Son of *William Fiennes*, Viſcount *Say* and *Sele*: He was Born at *Broughton* in *Oxfordſhore*, Educated in Grammar Learning in *Wikeham* School near *Wincheſter*, admitted Perpetual Fellow of *New-Colledge* at his firſt Entry therein, becauſe he was akin to the Founder, *Anno* 1624, at the Age of Sixteen Years; where continuing about Five Years, he left the Univerſity without taking any

any Degree, and went to the Inns of Court, to Travel, or to both.

MR. *Fiennes* in 1640 was Elected Burgeſs for *Banbury*, to ſit in that Parliament which began at *Weſtminſter* in *April* the ſame Year, and again for the ſame Place, to ſit in that which commenced on the 3d of *November* following, wherein he ſhewed himſelf very buſie and zealous for the Cauſe then on Foot. He had a Commiſſion given him, firſt to be a Captain, afterwards a Colonel of a Troop of Horſe, under the Command of the Earl of *Eſſex*, General of the Parliament's Forces. He ſhewing himſelf in like manner a Zealot for the Solemn League and Covenant, and profeſſing to be in all Reſpects a thorough-paced Parliamentarian, he was made Governour of the Garriſon of *Briſtol*, when firſt taken in for the Uſe of the Parliament.

THE Cavaliers (but there muſt be Grains of Allowance made) tell us, he uſed many Inſolencies and Barbarities in his Government there; and that firſt he cauſed the King's Proclamation, forbidding all Seamen and Mariners, and all other Officers of the Navy, to ſerve under the Earl of *Warwick*, lately made Admiral of the King's Royal Navy by the Parliament, to be Burnt there in the Publick Market-place on the Fourth of *March* 1642, by the Hands of one of the City Serjeants, notwithſtanding he connived at the publiſhing it the Day before. That he cauſed to be Murdered, under the Notion of Plotters againſt the Parliament, Two Eminent Citizens of *Briſtol*, *Robert Yeomans*, and *George Bowcher*, (notwithſtanding the King ſent Letters in their behalf to have their Lives ſaved,) to the Amazement of many, and

and the great Grief of his Majeſty: They likewiſe exclaimed againſt his Profanations of Divine Worſhip, and Service of the Church of *England*, in rending of Surplices, tearing the Common-Prayer-Book, breaking down Organs, exterminating the whole Liturgy out of the Congregations, *&c.* to which they added, as a Charge againſt him, his diſcountenancing and driving away the Orthodox Miniſters, and ſubſtituting in their Places Schiſmaticks, and the like Perſons.

BUT at length the City of *Briſtol* being Beſieged by the King's Forces, under the Command of Prince *Rupert*, and Surrendred by Colonel *Fiennes*, for the Uſe of his Majeſty, on the 11th of *July* 1643, he was thereupon called in Queſtion by the Parliament, and Articles were drawn up againſt him by the Reſtleſs Proceedings of *William Prynne* and *Clement Walker*. So that the Colonel being Tried for his Life for the ſame, before a Council of War ſitting at St. *Alban*'s in *December* the ſame Year, notwithſtanding he had made a large Defence for what he had done, in open Parliament, on the 5th of *Auguſt* before, he was ſentenced to loſe his Head for a Coward, by the Name of *Nathaniel Fiennes*, alias *Fines*, alias *Fenys*, alias *Fines*: But by the Interceſſion of his Father, and others of his Relations, he was pardoned, and in *Mercurius Britannicus* juſtified for what he had done in that Matter.

COLONEL *Fiennes*, tho' not truſted after this with any Military Imployment, yet became an Active Man in the Parliament, and was made a Commiſſioner in ſeveral Matters; but when he ſaw the Cauſe of the Presbyterians decline, eſpecially upon the ſecluding

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of Forty of them, whereby he was one by Colonel *Pride*, he ſtruck in with the Independents, took the Engagement, became great with *Cromwell*, and was Member of all, at leaſt moſt, of the Parliaments held between the Diſſolution of the Old Parliament, till the Reſtoration: He was likewiſe of *Oliver*'s Privy Council. I need not mention again his being Commiſſioner of the Great Seal: He was made Lord Privy-Seal in *June* 1655, and was a Member and Speaker of the other Houſe, alias Houſe of Lords: At length the Colonel returning upon his Majeſties Reſtoration to *Newton Tony*, near *Salisbury* in *Wiltſhire*, where he had an Eſtate that came to him by his Second Wife, *Frances*, Daughter of *Richard Tuderley*, in *Hampſhire*, he continued there to the time of his Death, which hapned on the 16th of *December* 1669, and was buried in the Church of that Place. Soon after there was a Monument put over his Grave to his Memory, alſo to his Two Daughters, *Frances* and *Elizabeth*, which both died in the Flower of their Age.

THERE are ſeveral things of this Gentleman extant, more particularly ſeveral Speeches in Parliament, as 'A Speech in the Houſe of 'Commons, in anſwer to the Third Speech of 'George Lord *Digby*, concerning Biſhops, deli-'vered on the 9th of *February* 1640. 2. One 'in the Houſe of Commons, touching the 'Liberty of the Subjects, againſt the late Ca-'nons, and the New Oath 1641. 3. Concerning 'the Profer of the City of *London*, by the 'Lord-Mayor, to diſburſe 60000 *l.* towards ſup-'preſſing the *Iriſh* Rebellion 1641. 4. One con-'taining unparallell'd Reaſons for aboliſhing 'Epiſcopacy, *&c.* 1642. 5. Speech or Relati-'on made in the Houſe of Commons, concerning

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'the Surrender of *Briſtol*, already mentioned '1643. A Relation of *Edge-Hill* Fight, and 'that of *Worceſter*, where himſelf was enga-'ged in 1642. A Letter to the Earl of *Eſſex* 'concerning *Briſtol*. A Reply to a Pamphlet, 'Intituled, *An Anſwer to Colonel* Nathaniel 'Fiennes's *Relation concerning his Surrender* '*of* Briſtol, 1643.

OTHER Speeches there were of his in Parliament, '1. A Speech before his Highneſs '*Oliver Cromwell*, and Both Houſes of Parlia-'ment, *January* 20, 1657, being the firſt Day 'of their Sitting: Speech to Both Houſes of 'Parliament, *Jan.* 27, 1658, *London* 1659. He was certainly a Gentleman of very good Parts, and ſpoke cloſely and methodically to the Matter in Hand, being not guilty of the Digreſſions which the Humour of thoſe Times uſually ran into.

AS for Colonel *Fiennes* his Colleague Mr. *John Liſle*, he was Bred up in the Profeſſion of the Law, tho' never any great Proficient therein, and being choſen a Member to ſerve for *Winchester*, in the Long Parliament of *November* 1640, he fell in entirely with the Party that moſt oppoſed the Court, and engaged in the War; was one, and in the firſt Rank, of thoſe who ſate as the King's Judges: He likewiſe ſate as Preſident of the High Court of Juſtice, as they were pleaſed then to call it, at the Trial of Duke *Hamilton*, the Earl of *Holland*, and the Lord *Capel*; as alſo on the Trials of Sir *Henry Slingsby*, Dr. *Hewet*, &c. and running ſtill forwards with the Courſe of the Times till the King's Reſtoration approached, he and divers others of the Regicides fled beyond the Seas, and retiring for Refuge to *Geneva*, was there ſhot

ſhot to Death by ſome *Iriſhmen* as he paſſed along the Streets, he being before excluded from Pardon in *England*, for having had a deep Hand in that Bloody and Execrable Murder of the King. Here it is to be obſerved, that the Widow of this Gentleman, *Alice Liſle* by Name, and in extream Age, having entertain'd, after the Defeat of the Duke of *Monmouth* in 1685, Mr. *Hicks*, a Nonconformiſt Miniſter, who was with the Duke, tho' in no Proclamation, and one Mr. *Richard Nelthorp*, a Stranger to her, in her Houſe, ſhe was Tried at *Winchester* for High-Treaſon, for comforting and aſſiſting Rebels; with which the Jury were ſo ill ſatisfied, that they brought her in thrice not Guilty; but the Threats of the Judge at laſt prevailing, ſhe was Beheaded: However, the Convention Parliament after King *William* came to the Throne were ſo diſatisfied in her Caſe, that they reverſed the Attainder.

WHEN *Richard* came to the Protectorſhip, the ſame Commiſſioners, I mean *Fiennes* and *Liſle*, were continued, only *Whitlock* was added, with the Title of Keepers of the Great Seal of *England*: And 'twas ſuppoſed *Fiennes* deſired it, as finding *Liſle* not ſo capable in executing the Duty of his Place as he expected. *Richard* being ſoon Caſhier'd, and the Rump Parliament reſuming the Supream Power, things were at an uncertain Paſs, till they were outed again, and then the Committee of Safety made *Whitlock* alone Keeper of the Great Seal; but the Rump reviving once more, the Speaker *Lenthal* had the Seal delivered to him till the Houſes farther Order.

SIR

SIR *Thomas Widdrington*, *Tirrel* and *Fountain*, were voted to be Commiſſioners of the Great Seal by the *Rump*, on the 17th of *January*, 1659; and the Houſe of Lords ſoon after, as well as a New Houſe of Commons, being convened, the Earl of *Mancheſter* was appointed to be one of the Lord's Commiſſioners of the Great Seal, in which State they found it on the King's happy Reſtoration, when there was no farther Occaſion for it. 1659.

THERE need no more be ſaid here of the Famous Lord Chancellor *Clarendon*, who being diſpoſſeſs'd of the Great Seal, the King thought fit on the 13th of *Auguſt* to deliver it into the Cuſtody of Sir *Orlando Bridgman*, Knt. with the Title of Lord Keeper: This Gentleman was the Son of Doctor *John Bridgman*, Lord Biſhop of *Cheſter*, which *John* was a Native of the City of *Exeter*, of a Gentleman's Family; his Father *Edward Bridgman* being ſome time High Sheriff of that City and County. Sir *Orlando*, after thoſe Studies that ſuited his Younger Years, took to the Profeſſion of the Law, and being a Man not fond of the Times of the Uſurpation, was after the Reſtoration in 1660, on the 13th of *May*, by the King's Special Writ, call'd to be a Serjeant at Law: On the Firſt of *June* he was advanced to be Lord Chief Baron of the *Exchequer*, from whence on the 22d of *October* he was removed to be Lord Chief Juſtice of the *Common-Pleas*. But when or whether he was ever Maſter of the Rolls, as *Collier* ſays, it ſeems after *Dugdale*, I cannot find, neither can I meet with the time of his Death; tho' I do eaſily with that when the Great Seal was taken from him, or to ſpeak in a more Courtly Phraſe, he reſign'd 1667.

it, which was on the 17th of *November* 1672. He had the Reputation of a good Lord Keeper and the Character of a Perſon of Honour and Integrity, tho' there might be ſome Faults too in his Family: A Specimen of his Elocution you have in the *Appendix*, being his Speech in Parliament, *October* 10th, 1667, after the Peace with the *Dutch*, which likewiſe gives ſome Light to the Tranſactions of thoſe Times.

AT the ſame time that the Great Seal was quitted by *Bridgman*, his Majeſty delivered it to the Cuſtody of the Right Honourable *Anthony* Earl of *Shaftsbury*, with the Title of Lord Chancellor of *England*. This Gentleman, Sir *Anthony Aſhley Cooper*, was the Son of Sir *John Cooper* of *Rockborn*, in the County of *Wilts*, Baronet, and of *Anne*, Daughter and Heireſs of Sir *Anthony Aſhley* of *Winburn* St. *Giles*, in the County of *Dorſet*, by *Jane* Daughter of *Philip Okeover* of *Okeover* in *Staffordſhire*, Eſq; who was Born on the 22d of *July*, 1621, and his Grandfather Sir *Anthony Aſhley* gave him both his Names at the Font. His Father and Grandfather's Eſtates upon their Deceaſe, falling to him, amounted to 8000 *l. per Annum:* He applied himſelf in his Youth with unuſual Pleaſure to all Sorts of Learning. In 1636 he became Fellow-Commoner of *Exeter* Colledge in *Oxford*, under the Tuition of Doctor *Prideaux*, Rector of the Colledge; where, the Proficiency he made in his Studies gave early Indications of the Greatneſs he was to arrive to. Having ſtaid Two Years at *Oxford*, and removed to *Lincolns-Inn*, he cloſely purſued the Study of the Law, till his Relations thought fit to diſpoſe of him in Marriage to *Margaret*, the Lord *Coventry*'s Daughter.

HE

HE was choſen Burgeſs for *Tewksbury* in *Glouceſterſhire*, to ſerve in that Parliament which was opened on the 13th of *April*, 1640, which being haſtily diſſolved, undoubtedly by very ill Advice to the King, and a new one called, that met on the 3d of *November* following, and known to this Day, by woeful Experience, by the Name of the Firſt Long Parliament, I do not find he was anywhere a Candidate for being a Member of it.

HIS Father dying about the beginning of the Civil War, Sir *Anthony Aſhley Cooper* raiſed a Regiment for the King's Service, and was made Governour of *Weymouth*: The Regiment he raiſed to keep the County of *Dorſet* in Peace, he being then High-Sheriff of it. He ſummoned the Inhabitants to meet him at *Dorceſter*, to engage them in the Royal Cauſe; but the King ſending Colonel *William Aſhburnham* to Command in *Dorſetſhire*, Sir *Anthony* in diſguſt went over to the Parliament, and in 1644 raiſing Forces in the County of *Dorſet* for their Service, was made Colonel of a Regiment of Horſe, took the Covenant, and with his own Regiment and ſome other Troops he reduced *Wareham* for the Parliament.

IN 1643 he was choſen Sheriff of *Norfolk*, and approved of by the Parliament, and in 1646 was Elected Sheriff of *Wiltſhire*, having a particular Ordinance of Parliament to live out of the County, and notwithſtanding the Difficulties of the Times, diſcharging his Office in both Counties to general Satisfaction.

THE Parliament in 1650 having voted, that it ſhould be referred to ſome Perſons, not Members of the Houſe, to conſider what Inconve-

 niencies

niencies there were in the Law, *&c.* Sir *Anthony* was chief of that Committee, and made a good Progreſs therein: *Cromwell* breaking in upon the Parliament, and ſummoning a Convention to meet on the 4th of *July* 1653, Sir *Anthony* was choſen to ſerve for *Wiltſhire*; but they in ſome time reſigning their Power to *Oliver*, Sir *Anthony* by the 25th Article, and 13 Gentlemen more, were appointed to be the New Protector's Council. The Protector at firſt found Sir *Anthony* very pliable, but the latter making his Court to *Cromwell* for one of his Daughters in Marriage, his firſt Wife being Dead, *Cromwell* began thereupon to grow very jealous of his Ambition and Politicks, which diſguſted him ſo much, that he afterwards fell in with the Country Party: While he was in the Miniſtry he concluded a Treaty with the *French* Ambaſſador *Bourdeaux*, and in the Year 1654 was choſen both for *Pool* and *Tewksbury*, to ſerve in the Parliament which met on the 4th of *September*; wherein Sir *Anthony* appeared ſo boldly againſt the New Uſurpation of the Protector's Council, that when he was returned for the County of *Wilts*, in the Parliament that was to ſit on the 17th of *April* 1656, he and above 100 more were refuſed Certificates and Admiſſion into the Houſe. Upon which Sir *Anthony* and others drew a Remonſtrance, ſhewing the Illegality of ſuch Proceedings; and tho' the Houſe was pliable enough to the Uſurper's Deſigns, yet at laſt they admitted him, and the other Subſcribers of the Remonſtrance, to ſit with them, upon which a Diſſolution preſently enſued.

OLIVER dying, *Richard* outed, and the *Rump* invited to return to their Duty, Sir *Anthony* carried their Declaration to

Lenthal

Lenthal their Speaker, and perſwaded him to ſubmit to it: The *Rump* named a Council of State, of which Sir *Anthony* was a Member; who perceiving the Inſtability of that Government, fell in with the Exiled King's Intereſt, and correſponded with the Royaliſts. He had engaged in Sir *George Booth*'s Deſign; but that Riſing was ſo ſoon quelled, that he could not get his Men together in *Dorſetſhire*: He had been before accuſed in Parliament for correſponding with Sir *Edward Hide*; but he was ſo warm in his Arguments, and the high Profeſſions he made of his Innocence, that many began to ſuſpect him, as they had good Reaſon, tho' at laſt they Voted him Not Guilty.

HE wrote to *Monk* about reſtoring the Parliament again, into which he was admitted to ſit, having been Elected in the Room of a Member lately deceaſed; about which time he was made Lieutenant of the *Tower*, and one of the Committee to direct and order the Forces in *England*, *Scotland*, and *Ireland*: *Fleetwood*'s Regiment of Horſe was beſtowed on him, and he prevailed both on the Officers and Soldiers to declare for *Monk*, and a free Parliament. Sir *Anthony* vigorouſly oppoſed the Engagement to be taken by all Perſons, either in Military or Civil Truſts againſt the Royal Family, and perſwaded Colonel *Morley*, to whom he had reſigned the Government of the *Tower*, to join with him in it, and by their Intereſt it fell, and this facilitated the King's Reſtoration.

UPON the Arrival of *Monk* at *London*, and his being ſent to prevent ſome Commotions in the City, Sir *Anthony* went with ſome of the Sitting Members to meet the ſe-

cluded Members privately at the General's Quarters at Alderman *Wale*'s, and there agreed their ſecluded Brethren ſhould be admitted; after which, having reſolved to have a Free Parliament to meet on the 25th of *April* 1660, and a Council of State being appointed in the Interval to Govern the Three Kingdoms, Sir *Anthony* was the Chief of them. Sir *Anthony* was indeed for making Conditions with the King, more particularly his fulfilling the Treaty of the *Iſle of Wight*, before his Reſtoration, but the Ballance fell on the other Side.

THE Council of State made Sir *Anthony* Governour of the *Iſle of Wight*; and when the King's Reſtoration was fully reſolved on in Parliament, Sir *Anthony* was appointed to be one of the Committee to attend his Majeſty in *Holland*; where being unhappily overturned in a Poſt-Waggon, it bruiſed his Ribs, and the Wound in time turned to an Ulcer, for which he was forced to be opened in the Year 1672, during his Chancellorſhip: And this gave Original to the fooliſh Story of the Tap, with which Sir *Anthony*'s Enemies afterwards made themſelves Merry, tho' it had no other Foundation than an unhappy Accident, which befel him in his Majeſties Service.

HIS Majeſty upon his Reſtoration making Choice of his Privy Council, Sir *Anthony* was named to be one of them, and on the 20th of *April* 1661 he was Created a Baron of this Kingdom by the Title of Lord *Aſhley* of *Wimburn* St. *Giles*, in order to his Solemn Attendance upon the King at his Majeſties Royal Coronation; he having choſen that Title, purſuant to an Article in his Father's Marriage, that if Sir *John Cooper* or his

Heirs

Heirs ſhould come to be honoured with the Degree of Peerage they ſhould take that for their Title. He was appointed one of the Commiſſioners to Try the King's Judges, and ſhewed himſelf Tender and Impartial towards thoſe Priſoners that had ſo lately ſate with him in Places of Honour and Truſt. The next Marks of Royal Favour conferred upon him was his being made Chancellor, and Under-Treaſurer of the *Exchequer*, under his Unkle, the Noble Earl of *Southampton*, where he had, by reaſon of that Noble Lord's frequent Indiſpoſitions, the principal Directions and Management of that Great Office for ſome Years. He was likewiſe made Lord Lieutenant of the County of *Dorſet*; and after the Lord Treaſurer's Death, together with the Duke of *Albemarl*, Sir *Thomas Clifford*, Sir *William Coventry*, and Sir *John Duncomb*, on the 1ſt of *June*, 1667, conſtituted one of the Lords Commiſſioners for executing the Office of Lord High Treaſurer of *England*. The Malice of After-times threw wholly upon this Lord the Odium of ſhutting up the *Exchequer* in 1671, tho' *Clifford*, who was ſoon made Treaſurer upon it, as alſo *Landerdale*; had at leaſt as deep a Hand in the Project, and more in the Execution of it, than himſelf.

ON the 28th of *April* 1672 the Lord *Aſhley* was Created Baron *Cooper* of *Paulet*, in the County of *Somerſet*, and Earl of *Shaftſbury*, in the County of *Dorſet*. The King was now entring upon a War with the *Dutch*, by the Contrivance and Advice of Five of his Councellors, known by the Name of the *Cabal*, alluding to the firſt Letters of their Names, and theſe were *Clifford*, *Aſhley*, *Buckingham*,

ingham, *Arlington*, and *Lauderdale*; and now came the Earl, being Lord Chancellor, to make that Speech againſt the *Dutch*, (ſo much talked of in the Times that followed, and ſo contrary to his enſuing Practices, when he fell in with the Country Party,) *Delenda eſt Carthago*, which you will meet with at large in the *Appendix*.

IT's in vain, and indeed would look like a Piece of Abſurdity in me, to pretend to make Excuſes for thoſe who promoted the *Dutch* War, ſo Fatal to the Proteſtant Intereſt, and conſequently to that of *England* in Particular.

BE this as it will, he was certainly a good Chancellor, his Juſtice and Equity were never complained of; few, if any, of his Decrees were ever reverſt, and his Abilities no Man ever yet called in Queſtion. His Excellent Speech at the taking the Oath of Serjeant *Thurland* to be Baron of the *Exchequer* I ſhould have mentioned before; and there is ſomething in it which ſhewed how much he had the Tranquility and Rights of the People at Heart, ſo that you ſhall meet with it hereafter.

THE Earl of *Shaftsbury*, as Lord Chancellor, preſided only in Two Seſſions of Parliament, the laſt of which beginning on the 27th of *October*, after the King had ſpoke what he thought proper as to the War ſtill on Foot with the *Dutch*, and his other Affairs the Chancellor enlarged upon it in a learned Speech, which is alſo inſerted in the *Appendix*: And ſo we proceed to obſerve, that while his Lordſhip had the Cuſtody of the Great Seal he lived at *Exeter-Houſe* in the *Strand*, and by his Expence and Carriage ſupported the

the firſt Secular Dignity in the Kingdom in a Manner, for which none of his Predeceſſors had ever ſet him an Example, and ſcarce any of his Succeſſors could or would imitate.

THE particular Reaſon why he loſt the Seal was never yet publickly known: It was generally given out, that the Duke of *York* perceiving he was no Friend of his and the Popiſh Party, but quite oppoſite to that Faction and Intereſt, perſwaded the King to ſend for him to *Whitehall*, and on the 9th of *November* 1673 demanded the Seal of him, which he reſigned with much Cheerfulneſs: He kept his Temper in his Diſgrace, and putting on his Sword after he had delivered up the Seal, returned Home as unconcerned as if he had brought the Mace back along with him. He was viſited the ſame Day by Prince *Rupert*, and moſt of the Peers and Perſons of Quality about the Town, who acknowledged they were obliged to him for the Juſt Diſcharge of the Truſt that had been repoſed in him, and returned him their Thanks.

THE Papiſts and their inconſiderate Adherents finding the Earl unarmed by the Loſs of his Authority, began to conſpire his Ruin, as being the greateſt Obſtacle that lay in the Way of their Deſigns; and firſt they traced him in all his Steps, as Lord Chancellor, examining the Court Rolls, to ſee if they could meet with any thing upon which to ground an Accuſation, tho' to their Grief they were utterly diſappointed: For the Paper which they preſented to the King's Council containing Matters for a Charge, was by them reported to be Innocent, and that nothing could be inferred from it to his Prejudice.

THERE

THERE was an Oath brought into Parliament in 1675 to this Purpose, *I A. C. do declare, that it is not lawful, upon any Pretence whatsoever, to take up Arms against the King; and I do abhor that traiterous Position of taking up Arms by his Authority against his Person*, &c. The Earl of *Shaftsbury* and his Party as vehemently oppoſed this Oath, as others preſſed it, and the Lords the next Seſſions ordered it to be Burnt: The Miſcarriage of this Project was laid to the Charge of the Earl, and the Duke of *Buckingham*; and *Shaftsbury*'s Enemies were ſo enraged againſt him, that they hired one *Needham* to write a Scurrilous Pamphlet to his Prejudice, called, *Advice to the Men of* Shaftsbury.

THERE was a great Difference now on Foot between the Lords and Commons about the Lords Juriſdiction, in Appeals from Chancery, wherein the Earl of *Shaftsbury* was a great Stickler againſt the Commons; and indeed People growing by this time generally weary of the Length of this Parliament, my Lord *Shaftsbury*, and a great many other Noble Lords, were for addreſſing the King to Diſſolve it: But the Majority of the Houſe carrying it againſt them, they drew up their Reaſons, and entred their Proteſtation in the Journals of the Houſe, which ſee in the *Appendix*.

BUT tho' the King was reſolved to keep up this Houſe of Commons, yet this Attempt, and the Burning of the Oath, was ſo much diſreliſhed by the Earl's Opponents, that they procured the Parliament to be Prorogued for Fifteen Months; and when they met in 1676, and that the Duke of *Buckingham* was ſeconded by the Earl, and other Lords, in his Argu-

Arguments, that according to the Laws and Conſtitutions of Parliament that unpreſidented Prorogation was null, and conſequently the Parliament Diſſolved, the Majority carried it againſt them, ſo that the Earl, together with *Buckingham*, Earl *Salisbury*, and Lord *Wharton*, were committed for it to the *Tower*.

THE Three laſt upon their Petitions to the King were ſoon diſcharged, but my Lord *Shaftsbury*, for not recanting his Opinion, was kept Thirteen Months in Priſon, all his Petitions were rejected; and when he found 'twas in vain to apply to his Majeſty, he had Recourſe to the *King's-Bench*, whither he was brought by *Habeas Corpus*, on the 27th of *January* 1677, where his Council having argued the Court ought to relieve him, the Earl himſelf ſpake with as much Reaſon and Eloquence as the Juſtice of his Cauſe would bear, tho' without Redreſs: The Earl was remanded to Priſon, and continued there till the Parliament ſate; (who were now upon a ſecond Prorogation,) tho' the Court of *King's-Bench* afterwards, with very manifeſt Partiality, Bailed the Popiſh Lords, who were Impeached by the Commons in Parliament aſſembled of no leſs than Treaſon, and other high Crimes.

THE Parliament being at length ſet, the Earl on the 22d of *February* 1678 was brought to the Bar of the Houſe of Peers, where he offered to acknowledge his aſſerting the Diſſolution of the Parliament to be an unadviſed Action, and to beg their Lordſhips Pardon for his Offence in bringing a *Habeas Corpus*; whereupon a Declaration was prepared by their

their Lordſhips, much to the ſame Effect with what the Earl offered at firſt, which the Lord Chancellor *Finch* read to him, and the Earl kneeling, repeated the ſame at the Bar, and then withdrew, upon which they addreſs'd the King to diſcharge him from his Confinement, which was done accordingly.

HIS Impriſonment had very much impaired his Health, and his Phyſicians declared that his Life was in Danger; and tho' he recovered his Liberty, yet he never was afterwards of ſo ſound and healthy Conſtitution. He had not been long out of the *Tower* before he was attacked by a Second Advice to the Men of *Shaftsbury*; and the *Romaniſts* were ſtill the more enraged at him for his Zeal in promoting the *Teſt Act*; but the Diſcovery of the Popiſh Plot put them at preſent to their Trumps, and cut out Work enough for them to defend themſelves: And you may be ſure that no Body was as forward as the Earl to detect that Helliſh Deſign.

THE Parliament that had ſo long chimed in with the Court, began now to open their Eyes, and ſhut their Purſes; and entring too far into a Diſpute about the Danger of a Popiſh Succeſſor, they were Diſſolved, after they had ſate almoſt Eighteen Years: But another being Convened on the 6th of *March* 1676 at *Weſtminſter*, the Earl of *Shaftſbury* at the opening of the Seſſion made a moſt Noble Speech, privately Printed, under the Title of *A Speech of a Noble Peer*. This Speech was afterwards on the Turn of the Times, in the Earl's Diſfavour, publickly Burnt; but there are ſo many happy Turns, ſuch bold Truths, and ſubtilty of Expreſ-

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ſions throughout the whole, that 'tis pity to give it by Peace-meals, and therefore it will be found entire in the *Appendix*.

HOW diſreliſhing ſoever this was to the Stomach of the Court, the King for the preſent was under ſome Neceſſity of ſending away his Brother, and conſtituted a New Privy-Council, of which the Earl of *Shaftsbury* was made Preſident.

THE Earl was once more in one of the higheſt Poſts in the Government; yet when the Bill of *Excluſion* came in Agitation, tho' he knew it was quite contrary to the Inclinations of the Secret Miniſtry, he declared himſelf for it, and continued the Proſecution of the Popiſh Plot with great Earneſtneſs. The Papiſts, to impoſe upon his Zeal, wrote to their Friends in *Ireland*, to ſend them over ſome Fellows that would ſwear to a Plot which they would have ready made to their Hands in *England*: The Two *Macnamarras*, and one *Hethering*, being imployed for this Purpoſe, they were ordered to apply themſelves to the Earl, with the diſcovering of a pretended Plot in *Ireland*, which Kingdom the *French* were to Invade, and to join with the Catholicks to deſtroy the Proteſtants. The Earl too eaſily admitted thoſe *Iriſhmen* to bring him their Informations, which being found to be falſe, the Papiſts thought it would help to confound the Conſpiracy in *England*, or at leaſt that their *Iriſh* Evidence, by their Intimacy in my Lord's Family, might gain Credit, if they ſhould have any thing to ſwear againſt him, for which they wanted only an Opportunity.

THE Parliament being now Diſſolved, and another called to meet on the 17th of *October* 168[illegible],

1680, the ſeveral Prorogations that enſued put the Nation upon petitioning for the Sitting of it; and this the Earl of *Shaftsbury* zealouſly promoted, as he did alſo, and ſubſcribed, among others, a Bill of Indictment againſt the Duke of *York*, for not coming to Church; which was brought before the Grand Jury of *Middleſex*, with the Reaſons for his being Indicted. This exaſperated the Papiſts to that degree, that they took *Dangerfield* out of *Newgate*, and promiſed him Five Hundred Pounds to undertake to kill the Earl of *Shaftſbury*.

DANGERFIELD failing again and again of an Opportunity to diſpatch the Earl, their next Contrivance was to fix a Plot upon him and others of the Nobility and Gentry that were moſt zealous againſt Popery: But this being detected to their Confuſion, the Faction prevailed on *de Freitas*, the *Portugueze* Ambaſſador, to perſwade his Interpreter *de Feria* to kill the Earl, by throwing a Granado into his Coach, which *de Feria* depoſed at the Bar of the Houſe of Commons: The next thing was to corrupt Colonel *Blood* to write a Treaſonable Letter to *Oats*, that might prove the Earl of *Shaftsbury* and ſome others to be the Contrivers of the Popiſh Plot: The Letter was to have been ſeized, and produced an Evidence againſt the Earl and the reſt but *Oats*; his Caution in ſending it to the Secretary of State ſpoilt that Project. Then they imployed one *Lewis* to the Earl, to deſire him to give Directions under his Hand how *Oats* ſhould manage himſelf in reference to the Plot, which the Earl abſolutely deny'd. Young *Tongue* remained many Years in Priſon for endea-

endeavouring to make his Lordſhip the Inventor of the Popiſh Plot.

ONE of the oddeſt Deliverances his Lordſhip had was, that a certain Gentleman who had been a Colonel of Horſe in the Army of King *Charles*, and was then in mean Circumſtances in the *French* King's Dominions, wrote to the Earl a Remedy againſt the Gout. His Enemies opened the Letter, and added to it as a Poſtſcript that he had Forty Thouſand Men ready to oppoſe the Duke of *York*'s Intereſt: The Letter with this addition was carried to the *French* Miniſters of State, in hopes they would ſend a Copy of it to *England*; but by a ſtrange Accident it was returned to the Gentleman that wrote it to the Earl, and the intended Miſchief thereby prevented.

THE Proteſtant Party were all this while very uneaſie that the Parliament did not ſit; and the Earl of *Shaftsbury*, together with many other Noble Lords, Petitioned for it. It was ſomewhat unhappy to his Lordſhip that he had ſome difference at this time with the Lord *Halifax*, which weakned his Intereſt, the other going over to the Secret Miniſtry's Side.

THE Earl was one of thoſe that aſſiſted at the Trial of the Lord Viſcount *Stafford*, and Petitioned the King that the New Parliament ſhou'd ſit at *Weſtminſter*, and not at *Oxford*, tho' in vain: Here the Commons finding *Fitzharris* cou'd, and was willing to detect the Contrivances of the *Popiſh* Faction, in order to Ruin the moſt Zealous Proteſtant Lords, they Impeached him, that he might not be Tried by the Judges: The Lords throwing out the Impeachment, *Shaftsbury* and ſeveral others entred their Proteſtations againſt it, aſſerting the Commons

Commons Right to impeach any Subject. The *Oxford* Parliament being abruptly diſſolved, ſoon after the Earl's Return to *London* one *Bryan Hans* came to him, and aſſured him, he could give great Light into the Matter of Sir *Edmond-Bury Godfrey*'s Murder, if he might have his Pardon; the Earl endeavour'd to obtain one for him to no Purpoſe. *Hans* being taken and brought before the Council, accuſed the Earl, with other Noblemen and Gentlemen, of attempting to ſuborn him to do it, and upon the Information of this *Iriſh* Evidence his Lordſhip was taken up at his Houſe in *Alderſgate-ſtreet*, and on the 2d of *July* 1681 committed to the *Tower* for High Treaſon: He preſented ſeveral Petitions after his Commitment for a Trial or Bail, according to the *Habeas Corpus* Act, but could not be heard till the 24th of *November*, and then a Bill of High Treaſon was preferred againſt him to the Grand Jury at the *Seſſions-Houſe* in the *Old Baily*. Several of the Judges were ſaid to be preſent on purpoſe to awe the Jury, who were many of them Members of Parliament, and moſt of them Magiſtrates of the City: The Scoundrel Witneſſes were the *Macnamarras*, and one *Booth*, who ſwore High Treaſon againſt the Earl, and that Captain *Wilkinſon* was to have been a Captain of a Troop of Horſe in the Army which the Lord *Shaftsbury* was to raiſe: Mr. *Blaithwaite* and Mr. *Gynne* ſwore that the Papers produced in Court were taken in the Earl's Houſe, and Secretary *Jenkins* depoſed, that one of them, which was the Project of an Aſſociation, was the ſame Paper, unaltered, that Mr. *Blaithwait* gave him; which, if true, was no Matter of Evidence of Treaſon, becauſe not proved to be Preſented or Compoſed

ſed by the Earl: *Turbevil* ſwore that the Earl had ſaid, about *February*, there was little good to be done to the King as long as his Guards were about him, and ſingly; that the Earl ſhould ſay, *If the King ſhou'd offer any Violence to the Parliament at* Oxford, *he wou'd meet with greater Oppoſition, &c.* and *Haynes* that he ſaid, *that the Duke of* Buckingham *had as much a Right to the Crown as any* Steward *in* England.

THE Jury having conſidered *Wilkinſon*'s Depoſition before the King, by which they found no Temptations were Powerful enough to make the honeſt Gentleman ſwear falſly againſt the Earl, and the Infamous Character of *Booth*, the main Evidence, return'd *Ignoramus* upon the Bill; and the People thereupon being generally very well ſatisfied, the Spight of the Papiſts was grounded on the Earl of *Shaftsbury*'s apparent Zeal for their Religion and Liberties, they publickly rejoiced for his Deliverance, and Bonfires were made in the City and Country: *Graham*, who marſhalled the *Iriſh* Evidence, had much ado to eſcape the Fury of the enraged Multitude.

THE Earl being cleared by the Grand Jury, moved to be diſcharged, but cou'd not obtain it till the end of the next Term: When he was free, he Arreſted *Graham* and his Accuſers, as his Declaration ſet forth, for conſpiring to indict him of High-Treaſon; for which they ſollicited *Wilkinſon* to give falſe Evidences againſt the ſaid Earl, *&c.* but the Defendants moving that they might not be Tried in *London*, becauſe the Sheriffs, Mr. *Pilkington* and Mr. *Shute*, were the Earl of *Shaftsbury* Friends, ſo partial were the Times now to the other

 ſide,

ſide, that the Judges allowed the Plea, and the Earl would not try the Cauſe elſwhere.

AFTER the Earl's Proſecution, a *Quo Warranto* was brought againſt the City, and Things growing every Day worſe and worſe on the Whigs Sides, the Earl thought it high time for him to withdraw: And conſidering that he could be no where ſo ſafe as in *Holland*, that very Country which ſome Years before he would have utterly ruined. Such are the unaccountable Turns we meet with in the World, he arrived there in the beginning of *December* 1682, after a very Tempeſtuous Voyage. Upon his Arrival at *Amſterdam*, he was viſited by the Deputies of the States and other Perſons of Quality: There he hired a fine Houſe at the Rent of One Hundred and Fifty Pounds a Year, and was preparing to live ſuitable to his Eſtate and Character, when his old Diſtemper, the Gout, ſeiz'd him, which flying up into his Stomack, ſoon became Mortal, and he expired on the 22d of *January* in the Arms of his Chaplain, in the Sixty Second Year of his Age. His Body was Embalmed and Carried over into *England*, the Ship was hung with Mourning, and the Corps being landed at *Pool*, in *Dorſetſhire*, the Gentlemen of that Country went to meet it uninvited, and accompanied it to *Wimborn* St. *Giles*'s, his Ancient Seat, where he was Interred with his Worthy Anceſtors. The Account already given including very fully the Character of this Noble Perſon, we ſhall only add here, what King *Charles* II. ſaid of him upon his Reſolution of a very Knotty and Difficult Affair that was put to him in the time he had the Great Seal in his Cuſtody, *That he had a Chancellor that had more Law than all his Judges, and more Divinity than all his Biſhops.*

ſhops. By his Second Wife, the Lady *Frances*, Daughter to the Earl of *Exeter*; he left one Son, *Anthony*, late Earl of *Shaftsbury*, who by the Lady *Dorothy*, Daughter to *John* Earl of *Rutland*, has the preſent *Anthony*, Earl of *Shaftsbury*, to whom I wiſh as much Health as he has real Merit and unblemiſhed Reputation: And indeed 'tis pity that neither he, nor his Brother, the Honourable *Maurice Aſhley*, Eſq; have not yet thought fit to Marry. 'Tis a Debt they owe to their Family, which otherwiſe in the Revolution of a few Years will become extinct in the Male Line.

THE Great Seal being taken from the Lord Chancellor *Shaftsbury*, the King committed the Cuſtody of it to Sir *Heneage Finch*, Knt. with the Title of Lord Keeper. This Gentleman was the Son of Sir *Heneage Finch*, Knight, ſometime Recorder of *London*, and in the firſt Year of King *Charles* I. 1625, Speaker of the Houſe of Commons; he being the Fourth Son of Sir *Moyle Finch*, of *Eaſtwell*, in the County of *Kent*, and ſo a younger Branch of the Noble Family of *Winchelſea*. He was born on the 23d of *June* 1621. Educated in *Weſtminſter-School*, and became a Gentleman Commoner of *Chriſt-Church* in *Oxford* in *Lent* Term, 1635. After he continued proſecuting his Studies there for Two or Three Years, he removed to the *Inner-Temple*, where by his Sedulity and good Parts he became a Noted Proficient in the Municipal Laws, was ſucceſſively Barriſter, Bencher, Treaſurer, Reader, *&c.* Upon the happy Reſtoration of King *Charles* II. he was on the 6th of *June*, 1660, made Sollicitor General to his Majeſty, and on the Day after, being then made a Knight, the King was pleaſed to advance him to the Dignity of a Baro- 1673.

net of this Kingdom, by the Name of Sir *Heneage Finch* of *Raunſtone* in *Buckinghamſhire*, Sir *Heneage* was next Year Autumn or Summer, Reader of the *Inner-Temple*, he chuſing then to read upon the Statute of 39 *Eliz.* concerning the Payment and Recovery of the Debts of the Crown: Which Statute tho' very ſeaſonable, and then moſt neceſſary, was never read before upon (as was then reported) by any but himſelf. The Reading and Entertainment laſted from the 4th to the 17th of *Auguſt*; the former was with great Strength of Reaſon, Depth of Law, and Admirable Senſe, and the other was of as great Variety as could be imagined, regularly carried on, and performed. The Firſt Day's Entertainment was of ſeveral of the Nobility of the Kingdom, and Privy Councellors, with divers others of his worthy Friends: The Second was of the Lord-Mayor, Aldermen, and Principal Citizens of *London*: The Third, which was Two Days after the former, of the whole Colledge of Phyſicians, who all came with Caps and Gowns: The Fourth was of another Long Robe, for all the Judges, Advocates, Doctors of the Civil Law, and all the Society of *Doctors Commons*: The Fifth, was of the Archbiſhop, Biſhops, and chief of the Clergy: And the laſt, which was on the 15th of *Auguſt*, was of the King, Duke of *York*, Lord Chancellor, moſt of the Peers and Great Officers of the Court, the Lords Commiſſioners of *Scotland* and *Ireland*, &c.

SIR *Heneage* in *April* 1661 was choſen a Member of Parliament for the Univerſity of *Oxford*, but a Modern Author ſays, he did them no Service when they wanted his Aſſiſtance, for the taking away of Hearth-Money. In 1665, after the Parliament then ſitting at *Oxford* had been prorogued, he was in full Convocation created Doctor of the

the Civil Law, he being at that time one of the Four Members of Parliament that had Communicated the Thanks of the Honourable Houſe of Commons, lately ſitting in the ſaid Convocation-Houſe, to the Members of the Univerſity for their Reaſons concerning the Solemn League and Covenant, Negative Oath, *&c.* made in 1647. The Creation being over, the Vice-Chancellor in the preſence of ſeveral Parliament Men, beſides the ſaid Four, ſtood up and ſpoke to the Publick Orator to do his Office, where he making a moſt Admirable Harangue, ſaid among other things to this Effect; 'That the 'Univerſity wiſhed they had more Colledges to 'entertain the Parliament Men, and more Cham-'bers; but by no means more Chimneys, at which Sir *Heneage* was obſerv'd to change Countenance, and draw a little back.

When the Diſgrace of the Great Lord Chancellor *Clarendon* drew on in 1667, and that he came to be Impeached in Parliament for ſome ſuppoſed high Crimes, Sir *Heneage Finch*, ſtill Solicitor-General, ſhewed himſelf very active and forward againſt the Noble Earl, and very frequently ſpoke in thoſe Debates, which ended at laſt in that Great but Unhappy Man's Baniſhment by Act of Parliament. We ſhould have taken Notice before, that Sir *Heneage* ſhewed himſelf in like manner very buſie, tho' but according to the Duty of his Place, at the Trial of the Regicides, where he made ſeveral Speeches and Diſcourſes upon the Occaſion.

HIS Majeſty in the Year 1670 was pleaſed to make Sir *Heneage Finch* Attorney-General, and about Three Years after, upon the Removal of the Earl of *Shaftsbury* from being Lord Chancellor, he was made Lord

 Keeper

Keeper, as before noted: Soon after which he was advanced to the Degree of a Baron of this Realm, by the Title of Lord *Finch*, of *Daventry*, in the County of *Northampton*, (he being then Owner of that Mannor) by Letters Patents, bearing Date the 10th of *January*, in the 15th Year of *Charles* II.

THE Parliament meeting on the 7th of *January*, and the King having acquainted them with several Particulars relating to the present Juncture, and the War with the *Dutch*: The Lord Keeper very much enlarged upon it, and stifly insisted upon the Tricking, Trifling and Obstinacy of the *Dutch*, in the Negotiation of Peace: The better undoubtedly to draw Money from the Parliament, tho' the Peace was at that time very forward, and as good as concluded. The Speech you have in the *Appendix*, and the Truth of it is, all this great Man's Speeches of State are so very fine and charming, that none of them ought to be omitted; and the rather, because they are not easily to be met with.

THE Parliament was Prorogued on the 24th of *February*, to the 10th of *November* following, and thence to the 22d of *September* 1674: But another Prorogation did not allow of their Meeting till the 13th of *April* 1675. Whether the Court was apprehensive that this did not please, or what other Motives it might have, the King's Speech mainly tended to have a right and lasting Understanding between him and them, which the Lord Keeper very floridly seconded in another very remarkable Speech, and indeed very much taken Notice of both by his Friends and Enemies. We shall not anticipate the Reader's Expectations here. 'Tis enough to hint, this is that

which

which contains those high Expressions: *No Influences of the Stars, no Configurations of the Heavens are to be feared, so long as these Two Houses stand in a good Disposition to each other, and both of them in an happy Conjunction with their Lord and Sovereign.*

THIS, and the Two other Speeches of the Lord Keeper, made in Parliament on the 13th of *October*, and *February* the 15th, 167$\frac{4}{5}$, you will meet with together at large hereafter.

A LITTLE while after this, *viz.* on the 19th of *December*, the Lord Keeper having surrendred the Great Seal up into the Hands of his Majesty, he received it immediately back again from him, with the Title of Lord high Chancellor of *England*: His Sentiments about tacking of Bills, so much contested about in a late Sessions, in the House of Commons, since her Majesties Happy Accession to the Crown, as well as about other important Matters of State, you have contained in his Speech in Parliament on the 23d of *May* 1678. That made on the 21st of *Oct.* the same Year, about the Peace made at *Nimeguen*, and Things previous to it, the State of *Europe* abroad upon it, and our own Condition at home, together with his Sentiments about the Popish Plot, lately discovered, require the Reader's Attention and Observation. His Majesty called a new Parliament to meet on the 6th of *March* 167$\frac{8}{9}$, the Lord Chancellor harangued them in a very eloquent Manner about the Popish Plot, and the Security of the Nation, to be provided for; and indeed there are so many Things said in this, and especially his other Speech in Parliament, on the 30th of *April*, about a Popish Successor, and the Ways to prevent his doing our Religion and

Liberties any Injury, yet without excluding him, that we could not well omit them.

THE Lord Chancellor performed the Office of Lord High Steward of *England* on the 7th of *December* 1680, at the Trial of that Unhappy Gentleman, *William*, Lord Viſcount *Stafford*, who being found Guilty of High-Treaſon by his Peers, for being concerned in the Popiſh Plot, and then moving in Arreſt of Judgment, the Lord Chancellor was pleaſed to tell him, that what he did upon that Account had been found by the Lords, upon due Conſideration had of it, to be of no Moment at all. That it was no Eſſential Part of any Trial that the Priſoner ſhould hold up his Hand at the Bar; there was no Record ever made of it when it was done; that the only Uſe of it was to ſhew the Court who the Priſoner was, and when that was apparent, the Court did often proceed againſt him, though he refuſed to hold up his Hand at the Bar; and therefore the Omiſſion of that Ceremony in that Caſe was no legal Exception, as all the Judges had declared. That as to the Proviſo's in the Statute of the Thirteenth Year of that King, their Lordſhips did find that they were in no ſort applicable to that Caſe, foraſmuch as the Proceedings againſt his Lordſhip were not grounded upon that Statute, but upon the Statute of 25 E. III. And yet if the Proceedings had been upon the latter Statute, the Proviſo's therein could have done his Lordſhip no Service at all.

THEN the Chancellor told him, his Part therefore which remain'd was a very ſad one; for he had never yet given Sentence of

Death

Death upon any Man, and was extreamly ſorry that he muſt begin with his Lordſhip; and as it were expoſtulating the Matter, ſaid, 'Who 'would have thought that a Perſon of your 'Quality, of ſo Noble an Extraction, of ſo Conſiderable an Eſtate and Fortune, ſo Eminent a 'Sufferer in the late Ill Times, ſo Intereſted in 'the Preſervation of the Government, ſo much 'Obliged to the Moderation of it, and ſo perſonally Obliged to the King and his Royal Father, for their particular Favours to you, 'ſhould ever have entred into ſo Infernal a Conſpiracy as to contrive the Murder of the 'King, the Ruin of the State, the Subverſion 'of Religion, and, as much as in you lay, 'the Deſtruction of all the Souls and Bodies 'in Three Chriſtian Nations: And yet, continued he, the Impeachment of the Houſe of 'Commons amounts to no leſs a Charge, and 'of this Charge their Lordſhips have found you 'Guilty.

'THAT there hath been a General and 'Deſperate Conſpiracy of the Papiſts, and 'that the Death of the King had been all along 'one chief Part of the Conſpirators Deſign, 'was now apparent beyond all Poſſibility of 'Doubting.

'WHAT was the meaning of thoſe Treatiſes which were Publiſh'd about Two Years 'before againſt the Oath of Allegiance, in a 'time when no Man dream'd of ſuch a Controverſie? What was the meaning of Father *Conyers*'s Sermon upon the ſame Subject, but 'only becauſe there was a Demonſtration of 'Zeal, as they call it, intended againſt the 'Perſon of the King? Which the Scruples 'ariſing from that Oath did ſomewhat hinder.

TO

'TO what Purpoſe were all the Correſpondencies with Foreign Nations? The Collections of Money among the Fathers Abroad and at Home? What was the meaning of their Governing themſelves in *England* by ſuch Advices as came frequently from *Paris*, and Saint *Omers*? And how ſhall we expound that Letter which came from *Ireland*, to aſſure the Fathers here that all Things were in a Readineſs there too as ſoon as the Blow ſhould be given?

'DOES any Man now begin to doubt how *London* came to be Burnt? Or by what Ways and Means poor Juſtice *Godfrey* fell? And is it not apparent by theſe Inſtances, that ſuch is the Frantick Zeal of ſome Biggotted Papiſts, that they reſolve no Means to Advance the Catholick Cauſe ſhall be left unattempted, though it be by Fire and Sword?

HAVING gone thus far in General, he apply'd himſelf more particularly to his Lordſhip, and told him, That as the Plot in General was moſt manifeſt, ſo his Lordſhips Part in it had been too plain. That what he did at *Paris*, and continued to do at *Tixal* in *Staffordſhire*, ſhew'd a ſettled Purpoſe of Mind againſt the King; and what he ſaid at *London* touching *Honeſt Will*, ſhew'd he was acquainted with that Conſpiracy againſt the King's Life, which was carrying on here too: And that in all this there was a great Degree of Malice; for his Lordſhip at one time called the King Heretick and Traitor to God; and at another time Revil'd him for miſplacing his Bounty, and rewarding none but Traitors and Rebels. And thus he ſaw that which the *Wiſe Man* forewarn'd him of was come

come upon him, *Curse not the King, no, not in thy Heart, for the Birds of the Air shall reveal, and that which hath Wings will declare the Matter.*

HE Presumed to recommend Three Things to his Lordship's Consideration. In the first Place his Lordship now saw how it had pleased God to leave him so far to himself, that he was fallen into the Snare, and into the Pit, into that very Pit which he was digging for others. He desired him to consider therefore, that God Almighty never yet left any Man, who did not first leave him. He besought him in the next Place to think a little better of it than hitherto he had done, and what kind of Religion that was in which the Blind Guides had been able to lead him into so much Ruin and Destruction as was now like to befal him. And in the last Place, he pray'd his Lordship to consider, that true Repentance was never too late. A Devout Penitential Sorrow, joyn'd with an Humble and Hearty Confession, was of Mighty Power and Efficacy, both with God and Man.

THAT there had been some of late, who had refused to give God the Glory of his Justice, by acknowledging the Crimes for which they were condemn'd; Nay, who had been taught to believe, that 'twas a mortal Sin to confess that Crime in Publick, for which they had been Absolv'd in Private; and so had not dar'd to give God that Glory which otherwise they would have done. God forbid that his Lordship should rest upon Forms; God forbid his Lordship should be found among the Number of those poor mistaken Souls, whom the first thing that undeceived was Death itself. That perhaps

perhaps his Lordship might not much esteem the Prayers of those whom he had long been taught to miscall Hereticks; but whether he did or not, he was to assure his Lordship, that all the Lords there, even they that had condemn'd him, would never cease to pray for him, that the end of his Life might be Christian and Pious, how Tragical soever the Means were that must bring him thither.

THAT this was the last time that he could call him *my Lord*, for the next Words he was to speak would attaint him; and the Judgment of the Law was, and the Court did award, Hanging, Drawing, and Quartering, as in the like Cases.

BUT after the Sentence pronounced the Lord High Steward told the Prisoner, That the House of Lords, in Consideration of his Quality, did intend to move the King to Pardon all the rest of the Execution of this Sentence, except only the taking off his Head.

THE King having Convened a Parliament at *Oxford*, and abruptly Dissolved it on the 27th of *March* 1681, he issued out a Declaration soon after, with an Intention to satisfie the People with the Reasons of it. A late Author says it was Signed only *Francis Gwynn*, and the Great Seal not put to it; upon which he takes Occasion to extol the Sagacity of the Lord Chancellor for it, which was as conspicuous as his Veracity, which he would not expose in seconding the King's Speech at the opening of the last *Westminster* Parliament.

AT

AT length the Lord Chancellor being worn out with too much Buſineſs, which his Station and Office required, he yielded to Nature in his Houſe in *Queen-ſtreet*, near *Covent-Garden*, on the 11th of *December*, in the Afternoon, in 1682, in the 61ſt Year of his Age, and his Body was buried on the 28th of the ſame Month in the Church of *Raunſton*, before-mentioned, near *Oulney* in *Buckinghamſhire*. Beſides the Speeches already accounted for, there were ſome others of his, by his Majeſties ſpecial Command, made by Way of Anſwer upon ſeveral Addreſſes preſented to the King at *Hampton-Court*, on the 19th of *May* 1681. There are alſo extant his Arguments, upon which he made the Decree in the Caſe between the Honourable *Charles Howard*, Eſq; *Henry*, Duke of *Norfolk*, *Henry*, Lord *Mowbray*, his Son *Henry*, Marquiſs of *Dorcheſter*, and *Richard Marriot*, Eſq; Defendants; wherein the ſeveral Ways and Methods of limiting a Truſt for a Term of Years are fully debated, *London* 1685, in Nine Sheets in *Folio*: He alſo left behind him, written with his own Hand, *Chancery Reports*, MS in *Folio*, in the Hands of his Son, the preſent Earl of *Nottingham*.

THIS Noble Lord acting in the moſt Boiſterous and Tickliſh Times, when the ſwoln Waves beat higheſt, occaſioned chiefly by the Popiſh Plot, and what enſued thereupon, behaved himſelf with ſo regular, exactly poiſed, and even a Conduct that thoſe who were moſt averſe to the Managements then on Foot, ſcarce ever taxed him with any Errors, either as a Stateſman or Chancellor; tho' perhaps there were ſome as to his laſt Office might think themſelves aggrieved by his Decrees: But Loſers will

will generally complain, tho' with but little Colour of Juſtice: Whereas others, whoſe Actions being not ſo juſtly ballanced, were either diſcharged from their Offices, or voluntarily reſigned them up; but he ſtood ſtill firm in the Opinion of Prince and People, and eſcaped the infamous Character of an Evil Counſellor.

HE was a very Eloquent Perſon, and a moſt Excellent Orator, and a Lord of that Wiſdom, that ſome have ſtiled him the *Engliſh Roſcius*, the *Engliſh Cicero*, &c. A noted Author, and no leſs a Man than the preſent Biſhop of *Salisbury*, in his Hiſtory of the Reformation, tell us, that his great Parts, and greater Vertues, were ſo conſpicuous, that it would be a high Preſumption in him to ſay any thing in his Commendation, being in nothing more eminent than in his Zeal for, and Care of the Church of *England*.

HIS Character is moſt excellently deſcribed in *Abſalom* and *Achitophel*, under the Name of *Amri*, in theſe Lines.

Our Liſt of Nobles next let Amri *Grace,*
Whoſe Merits claim'd the Abethdin's *high Place;*
Who, with a Loyalty that did excel,
Brought all th' Endowments of Achitophel.
Sincere was Amri, *and not only knew,*
But Iſrael's *Sanctions into Practice drew;*
Our Laws, that did a boundleſs Ocean ſeem,
Were coaſted all, and fathom'd all by him.
No Rabbin *ſpeaks like him their Myſtick Senſe,*
So juſt, and with ſuch Charms of Eloquence:
To whom the double Bleſſing does belong,
With Moſes *Inſpiration,* Aaron's *Tongue.*

HE

HE had by his Wife *Elizabeth*, the Daughter of *Daniel Harvey*, of *London*, Merchant, several Sons and Daughters: *Daniel*, the present Earl of *Nottingham*, his Eldest Son, succeeded him in Honour and Estate; he has been twice Secretary of State, once in the Reign of King *William* III. and since of Queen *Anne*, but is at present in no Publick Imployment. He is blest with a numerous Issue, and is a Noble Man, of very Exemplary Regularity in his Family, wherein he merits to be more imitated, as well as in his other Vertues. His Second Son, *Heneage*, has been very Famous in his Practice of the Law and Pleadings at the Bar, having been bred in the *Inner-Temple*, as his Father was: In the latter Part of the Reign of King *Charles* II. he was made Sollicitor-General, a Place his Father formerly enjoy'd; from whence, in King *James*'s Time, he was removed about the 21st of *April* 1686, and Sir *Thomas Powis* put in: He was a great Advocate on Behalf of the Bishops at their Trial in 1688, and some time after the Accession of her Present Majesty to the Throne, advanced to the Degree of a Baron of this Realm, by the Title of Lord *Guernsey*: The Third Son of the Chancellor, is the Honourable *Henry Finch*, A. M. Dean of *York*: There is another that is a Clergyman, and one a Lawyer. The Chancellor's Daughter, *Elizabeth*, was Married to *Samuel Grimston*, Esq; Son to Sir *Harbottle Grimston*, Baronet, some time Master of the Rolls: Other Children there were, but I think none of them Living, or have been ever Married.

HIS

1682. HIS Majesty, Two Days after the Decease of the Lord Chancellor *Nottingham*, was pleased to put the Seal into the Hands of Sir *Francis North*, Knt. Lord Chief Justice of the *Common-Pleas*, with the Title of Lord Keeper.

THIS Gentleman was the Second Son of *Dudley*, Lord *North* of *Carthlage*: He advanced gradually in his Profession of the Law, wherein at last he attained the highest Dignity, having before he became a Judge been sometime Attorney-General to King *Charles* II. who, while in that Office, drew the King's Declaration against Petitioning for a Parliament, for which he was afterwards Impeached by the House of Commons.

HE was made a Baron of this Realm by the Title of Lord *Gilford*, in the County of *Surey*, by Patent, bearing Date on the 27th of *September* 1683. Sir *Francis North*, both while in the Place of Chief Justice, and also Lord Keeper, did not pass without some severe Reflections: Indeed the Times were turbulent; and 'tis no Injury, but Justice, to aver, that he run very much with the Stream of the Court, to the endangering, as a great many Wise Men thought, the Protestant Religion in this Kingdom: I find a late Author, in speaking of the Trial of *Stephen Colledge*, at *Oxford*, express himself to this Effect; 'That 'Sir *Francis Pemberton*, Sir *Thomas Jones*, and 'Justice *Raymond*, having done the Courts Job, 'in the Trial of *Fitz Harris*, a new Set of Four 'was made to do this of *Colledge*'s; the Chief 'of which was Sir *Francis North*, (a Man cut 'out to all Intents and Purposes for such a 'Work, and as if Born to do it; his Father was

a Committee-Man in all the late Times againſt King *Charles* I. and his Grandfather One of the Seven, who condemned Archbiſhop *Laud*: That this was the firſt time that ever any Priſoner had his Inſtructions taken from him; whereby to make his Defence, and at a Time when there were ſuch Contrivances to take away his Life; that the Chief Juſtice told him he had not taken away his Papers; to which *Colledge* replied, they were taken from him upon Pretence of bringing them to his Lordſhip: However, that the Courage of the Man put the Court and the King's Counſel to the Whiſper, a Thing never practiſed before, and thereupon the Court muſt be Adjourned, the Pretence being for Dinner, tho' they had Breakfaſted a little before: And before their Return the King's Council altered their Method of Proceeding againſt the Priſoner, from what they had before deſigned, and ſo ſorted their Evidence, that they might not contradict one another, and ſo would not examine ſome of his Evidence.

THAT yet upon the Return of the Court the Attorney-General, for Fear his Inſtructions might not be well remembred or underſtood, moved that the King's Evidence might be examined in the Hearing of one another, which tho' over-ruled, yet it was not obſerved: And that to ſatisfie the Jury, Sir *Francis North* told them in ſumming up the Evidence, they would inform the Jury what Part of it was Treaſon, and what Miſdemeanour.

HE kept the Great Seal, and his Management was conformable enough to the Tendency of the Court till the Death of King *Charles* II. He was no leſs acceptable to his Brother, King *James*, who ſucceeded him in the Throne,

that Prince continuing him Lord Keeper to his Death, which hapned on the 5th of *September* 1685, at his Houſe at *Wroxon* in *Oxfordſhire*, near *Bambury*, and he was Buried privately in a Vault under Part of the Church there, amongſt the Anceſtors of his Wife, named *Frances*, the Second Daughter and Coheir of *Thomas Pope*, Earl of *Down*, in the Kingdom of *Ireland*, Unkle to *Thomas*, the laſt Earl of *Down*, of the ſtraight and lineal Deſcent of that Family, who died at *Oxford* in 1666. There was an odd Story of a Chancery Suit between the Duke of *N*——— and Sir *P*——— *H*——— in his Time, and of ſome Gold Plate in a Box, but it looks too invidious to relate it.

1685. THE Great Seal being vacant by the Death of the Lord Keeper *North*, King *James* II. on the 28th of *October* was pleaſed to commit it to the Cuſtody of *George* Lord *Jeffreys*, Baron of *Wem* in *Shropſhire*, and at that Time Lord Chief Juſtice of the *King's-Bench*, with the Title of Lord High Chancellor of *England*. This Gentleman was the Sixth Son of *John Jeffreys*, of *Acton*, in the County of *Denbigh*, in *North Wales*, Eſq; by *Margaret* his Wife, Daughter of Sir *Thomas Ireland* of *Bewſey*, in the County Palatine of *Lancaſter*, Knt. which *John* was the Son and Heir of another *John Jeffreys* of *Acton* aforeſaid, Eſq; one of the Judges in *North Wales*, who was ſirnamed *Jeffreys*, from his Father *Jeffreys*, the Son of *Hugh*, likewiſe of *Acton*, Paternally deſcended from *Tudon Trevor*, Earl of *Hereford*: Mr. *Jeffreys*, after running through the Courſe of the Grammar-School in his own Country, by ſome Intereſt

or

or other became a *Weſtminſter* Scholar; and having made a tolerable Proficiency in the learned Languages during his Stay there, removed without the Advantages of any Academical Learning to the *Inner-Temple*, where he became a very aſſiduous Student of the Municipal Laws of *England*; tho' in an Obſcure and Mean Apartment, his Allowance being only Forty Pounds a Year, and that from an Old Grandmother, while his Father, upon Pretence of the Numerouſneſs of his Family, but more indeed out of a Near and Covetous Nature, ſcarce contributed Ten Pounds a Year more towards his Cloathing: A very Scanty Incomb, put together, for the Support, and the Carrying of a Young Gentleman thro' ſo Genteel and Expenſive a Study: But what was defective on the Part of his Friends was ſupplied by his own Ingenuity, which ever ſuggeſted ſome Shifts or other to him, till near the time that he ſhould be admitted to the Bar; to which, however, 'twas confidently affirmed, he never was regularly called.

FOR hapning in the Sickneſs Time in *1666* to be at *Kingſton* Aſſizes, and there being ſcarce any Counſellors to Plead People's Cauſes, by reaſon of that great Calamity in the City of *London*, and the Neighbouring Parts, which few cared to approach to, he by ſome Means or other got a Bar Gown on his Back, and here began to Plead; and having thus broke the Ice, acted from thenceforward as a Counſellor at Law, unobſerved, till he arrived to the great Imployments you will ſoon hear of.

SOME time after this, he very covertly made his Application in a Way of Courtſhip to the only Daughter of a Merchant, reputed

a Thirty Thousand Pound Man, by the Means of a Kinswoman and Companion of hers, and as I have been informed, a Clergyman's Daughter: She very heartily espoused his Interest, and proved a very powerful Advocate with the Lady in his Behalf, so that he seemed to be in a very fair way to carry her. But I know not by what unlucky Accident it fell out, that the whole Intriegue was detected by the Father, who thereupon took more effectual Care to secure the Daughter's Person, and immediately discarded her Companion.

ALLARMED and astonished with the Disappointment, she hasted towards *London*, and wrote a sorrowful Letter to Mr. *Jeffreys*, including a Narrative of the whole Misadventure. He immediately went to her, and having received the Relation from her own Mouth, with more enlarged Circumstances than could well be contained within the Bounds of a Letter, the great Activity, Address and Sincerity, with which she had acted in his Behalf, inspired such generous Sentiments into him, that he could propose to make her no other Satisfaction than to marry her, which he actually did: And if I am not much misinformed, he had about Three Hundred Pounds in Money with her: She proved an excellent Wife, and the Mother of several Children to him, and lived to see him made Lord Chief Justice of *England*, or thereabouts. After her Decease he Married a Daughter of Sir *Thomas Bloodworth*, the Widow of —— *Jones* of *Funman*, Esq; in the County of *Glamorgan*, or *Monmouth*.

IMPROVING in Practice every Day, after his first Essay at the Bar, wherein he had the Address to please his Clients, tho' sometimes he lost his Cause, he left nothing

 untri-

untried, whereby he might obtain the Favour of the Court: His Complacency to which became in ſome Time ſo conſpicuous, that he was judged a fit Perſon to promote the Deſigns they had then on Foot, of depreſſing as much as might be the Liberties of the People, to which they were not forward tamely to ſubmit. He was firſt made a Judge in his Native Country, his eldeſt Brother being at that time high Sheriff, and another of his Brethren, bred a Divine, preached the Aſſize Sermon: He had the Honour of Knighthood conferred upon him about that Time, and in 1680, he was made Chief Juſtice of *Cheſter*. In the Month of *May*, the ſame Year, he, with ſeveral others, was promoted to be a Serjeant at Law, and the Dignity of a Baronet of this Kingdom was conferred upon him on the 17th of *Nov.* 1681 Tho' a little before this, the Commons in Parliament Aſſembled, being very ſollicitous to Proſecute and Impeach all thoſe that countenanced the Popiſh Plot, or were Abhorrers of Petitioning the King for the meeting of the Parliament in the many Prorogations of it, and having paſſed ſome Votes accordingly, Sir *George Jeffreys*, then Recorder of *London*, came within the Number of thoſe whom the Commons were juſtly diſpleaſed with, and they ordered an Humble Addreſs to be made to his Majeſty, to remove him out of all Publick Imployments, and that the Members who ſerved for the City of *London* ſhould communicate this Vote to the Court of Aldermen, who thereupon diſplaced him.

THE Fewds ran high now between the Court and the Country Party: 'Twas ſaid Sir *George* was one of thoſe who adviſed the King to bring a *Quo warranto* againſt the City:

Sir *Edmund Saunders* dying in 1683, Sir *George Jeffreys* was on the 29th of *September* the ſame Year, ſworn Lord Chief Juſtice of the *King's Bench* in his Room, and on the 4th of *October* following admitted One of his Majeſties moſt Honourable Privy-Council. It would be an ungrateful Part to enter upon a Diſquiſition of his Behaviour in the Trials that came before him, eſpecially of any Criminals, or pretended Ones of State, let their Quality be what it would: But this muſt be ſaid, that ſcarce ever any Judge in *England* was more Partial on the Court Side, and ſo much Inſolence and *Billingſgate* towards the Priſoners at the Bar cannot be Parallell'd in Hiſtory.

OF this Multitude of Inſtances might be given, one of which in the Caſe of Mr. *Richard Baxter*, a Nonconformiſt Miniſter, take as follows: The Lord Chief Juſtice committed him to Priſon in the beginning of King *James*'s Reign, for his *Paraphraſe on the New Teſtament*, Printed a little before, which was termed a Scandalous and Seditious Book againſt the Government. He appear'd at *Weſtminſter-Hall*, *May* the 6th, 1685, and an Information was ordered to be drawn up againſt him, but being much indiſpoſed on the 18th, and moving for further time for his Trial, *Jeffreys* told him 'he would not give him a Minute 'more to ſave his Life; and added, that they 'had had to do with other Sorts of Perſons, but 'now they had a Saint to deal with, and he knew 'how to deal with Saints as well as Sinners: 'Yonder (ſaid he) ſtands *Oats* in the Pillory, 'as he then actually did, in the *New Palace-'Yard*, and he ſays he ſuffers for the Truth, and 'ſo ſays *Baxter*; but if *Baxter* did but ſtand on 'the other Side of the Pillory with him, I would

'ſay,

'ſay, Two of the greateſt Rogues and Raſcals 'ſtood there Mr. *Baxter* was Tried at *Guild-Hall* on the 30th, when the Lord Chief Juſtice did ſo Brow-beat his Council, that nothing could be heard in his Favour; and tho' ſeveral Clergymen appeared in Court on his Behalf, they were of no Uſe to him through the others Violence. But to return, the Bailing of the Lords in the *Tower*, had been often moved for; but on the 12th of *February* 1684, Sir *George*, and his Brethren of the *King's Bench*, concluded all in one Judgment, that the Earl of *Danby*, tho' Impeached by the Houſe of Commons, and committed by the Lords, ought to be bailed, and at the ſame time the Chief Juſtice admitted the Popiſh Lords, *viz.* the Earl of *Powis*, the Lord *Arundel* of *Warder*, the Lord *Bellaſis*, and the Earl of *Tyrone*, to Bail.

IT were better, if poſſible, to draw a Veil over all the Inhumanities exerciſed towards *Monmouth*'s miſerable Adherents in the Weſt; for the condemning of whom the Chief Juſtice neglected no Opportunity, Stratagem nor Pretence: And it muſt not be forgot in this Place, that he took a Bribe of 14500 *l.* of Mr. *Prideaux* to ſave his Life: His bloody Services upon his Return from the *Weſt*, were rewarded with the Cuſtody of the Great Seal of *England*, as aforeſaid; but he had been made a Peer before, *viz.* on the 15th of *May* 1685, and ſcarce any Lord Chief Juſtice was ever ſo before him.

HE was Conſtituted Lord High Steward of *England* on the 14th of *January* 1685, for the Trial of *Henry* Lord *de la Mere*, who was acquitted: Here only he carried himſelf with great Moderation and Decency, but more in

Probability, out of Reſpect to the Auguſt Auditory, the King and Queen being preſent, and the Quality of the Noble Lords, who ſate as Judges, than Reſpect to the Cauſe. The Lord Chancellor was at the Head, and the Principal Actor in the Commiſſion of Eccleſiaſtical Affairs, which fell firſt upon the Biſhop of *London*, for not ſuſpending Dr. *Sharp*, now Archbiſhop of *York*, for Preaching a Sermon againſt the Frauds and Corruptions of the Church of *Rome*: It might have been expected that ſo Reverend a Prelate, whoſe Noble Family and himſelf had merited ſo much from the Crown, might have met with a milder Treatment from the Chancellor, who after all had little to ſay for himſelf, but *muſt not the King be obey'd?*

KING *James* his Declaration of Indulgence being ordered to be read in the Churches, and the Archbiſhop of *Canterbury*, with Six other Biſhops, having Petitioned the King againſt it, the Chancellor, tho' he thought his Eccleſiaſtial Commiſſion big enough to Suſpend the Biſhop of *London*, the Vice-Chancellor of *Cambridge*, and to expel the Maſter and Fellows of *Magdalen Colledge* in *Oxford*, yet it ſeems did not think it ſufficient to Suſpend theſe Biſhops, and therefore 'twas reported he adviſed the King to have them tried upon an Information of High Miſdemeanour in the *King's Bench*.

BUT the Biſhops being cleared, and the Tide beginning now to turn, upon an Apprehenſion of the Prince of *Orange*'s Arrival with an Army in *England*, the Chancellor, who had been Inſtrumental to have the City Charter taken away in 1683, was now ordered by the King to carry it back again to *Guild-Hall*, in very great Formality, and made a ſubmiſſive Reſig-

Reſignation of the ſame to the City, to the inexpreſſible Joy of the Beholders, tho' with no great Indication of Thanks to the Chancellor.

THE Lord *Jeffreys*'s Fate, as well as that of his Maſter King *James*, came on apace: For the Prince of *Orange* being landed, advanced towards *London* without Oppoſition, and the King having taken the Seal from the Chancellor, left him in the Lurch, and withdrew privately on the 10th of *December*, in the Dead of the Night, down the *Thames*, in order to go for *France*. The Great Seal was afterwards found by a Fiſherman in the *Thames*, and the Chancellor now without Protection, having rendred himſelf obnoxious to moſt People, and being perfectly hated by the Nation, on *Monday*, between Three and Four in the Morning, withdrew, and having in Diſguiſe got down ſafe to *Wapping*, put himſelf on Board a Collier, which was pretended to be Bound for *New-Caſtle*, but indeed was deſigned for *Hambrough*: But ſome Perſons having Notice thereof, by the means of the Mate, they went to a Juſtice for a Warrant to apprehend him; but he thought fit to put them off, whereupon they applied themſelves forthwith to the Lords of the Council, who granted them a Warrant, and they went immediately to ſearch the Ship: But he on *Tueſday* Night, not thinking himſelf ſafe on Board the Collier, in which he was to paſs, lay in another Ship hard by, ſo that thoſe who came that Day to ſearch for him miſs'd of him on Board, but had Information given them that he was hard by, at a little Pedling Ale-Houſe, where accordingly they found him, being the Sign of the *Red-Cow* in *Anchor* and *Hope Alley* near *King Edward-*

Edward-Stairs, from whence they immediately hurry'd him in a Coach Guarded with ſeveral Blunderbuſſes to the *Lord-Mayors*, where the Crowd was ſo great, and the Rabble ſo numerous, all crying out together, *Vengeance*, *Juſtice*, *Juſtice*, that the Lord-Mayor was forced to come out into his Belcony, and with his Hat in his Hand deſired the People to go away, and keep the Peace; and did promiſe them that he had already ſent to the Lords of the Council about the Matter, and that they ſhould have Juſtice done them; and that in the mean time their Priſoner ſhould be ſafely Guarded: Whereupon the People withdrew, and ſoon after my Lord under a ſtrong Guard, was ſent to the Lords of the Council, who committed him to the *Tower*, where he continued to the 18th of *April* 1689, when he was freed by Death from his Earthly Confinement. He had for ſome Years before been ſubject to terrible Fits of the Stone, which in all Probability now accelerated his Death, tho' others gave out he abandoned himſelf to exceſſive Drinking, thinking to ſupport his ſinking Spirits by it, and that that helped forward to put a Period to his Life: He was Buried privately in the *Tower* the *Sunday* Night following, by an Order his Relations got from King *William*.

HE was a Man of quick and ſprightly Parts, a very ready Wit, but no Profound Lawyer; his Perſon was tall and comely enough, and he had a very piercing Eye: He was juſtly reckoned a Good Chancellor, unleſs where the Court was a Party, few or none of his Decrees being ever reverſed: And that which he made in Behalf of the late Earl of *Pembroke*'s Daughter, who was

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to be Married to his own Son, ſtood firm, and the preſent Earl could not get it revoked in the Houſe of Lords, to whom he appeal'd concerning it. Some thought if he had lived a little longer he would have been called to an Account for his Inſolencies and Male-Adminiſtrations; others believed he ſhould have been ſoon enlarged, and eſcape impunedly. Theſe are all Conjectures, but this is certain, that there was not at that time any Man in *England* more obnoxious to the People than himſelf, and no Body under his Circumſtances would have been very fond of truſting himſelf amongſt them.

HE had only One Son and Two Daughters that ſurviv'd him; all born of the Firſt Venter. The late Lord *Jeffreys* was a Young Nobleman of fine Parts; he died on the 9th of *May* 1702, without Iſſue-Male; ſo that the Honour died along with him. Whether it were the Extravagancy of this laſt Lord, or what other Fatality attended them, I am credibly inform'd, there is ſcarce any of the Chancellor's large acquired Fortune left in the Family. I know not into whoſe Hands the Eſtate at *Wem* in *Shropſhire* has paſſed; but that of *Bulſtrode* in *Buckinghamſhire* is in the Poſſeſſion of *William* Earl of *Portland*, who frequently reſides there.

UPON the coming of King *William* and Queen *Mary* to the Throne, Sir *John Maynard*, Knt. together with *Anthony Kecke*, of the *Inner-Temple*, Eſq; and *William Rawlinſon*, Serjeant at Law, were about the 2d of *March* made Lords Commiſſioners of the Great Seal of *England*. This *Maynard* was the Eldeſt Son of *Alexander Maynard*, of *Taviſtock*

viſtock in *Devonſhire*, Eſq; was born there, and in Time became a Commoner of *Exeter-Colledge* in *Oxford*, viz. in the beginning of the Year 1618, at the Age of Sixteen, or thereabouts: He took the Degree of Batchellor of Arts there, but before he determined or compleated that Degree by Determination in *School-ſtreet*, he went to the *Middle-Temple* to ſtudy the Municipal Law, was called to the Bar, and being a Favourite of *William Noy*, Attorney General, was much reſorted to for his Counſel.

IN the Year 1640 he was choſen a Burgeſs to ſerve for *Totneſs* in his Native County, in the Parliament that began at *Weſtminſter* on the 13th of *April*, and again for the ſame Place in that which began on the 3d of *November* following: In which laſt, being noted for his Activity and Readineſs in Pleading, he was appointed one of the Committee to draw up Evidence againſt the Earl of *Strafford*, wherein he acted his Part much to the Satisfaction of thoſe who had the chief Hand in putting him upon it. Afterwards he managed the Evidence againſt Archbiſhop *Laud*, kept cloſe to the Parliament Intereſt, took the Covenant, and was one of the Laymen nominated in the Ordinance of the Lords and Commons to ſit with the Aſſembly of Divines. He began about this Time to grow very Famous in his Profeſſion, and Eminent for his Practice, by which he got a great deal of Money: Inſomuch, that in a Circuit appointed by the Parliament, it was reported he had gained Seven Hundred Pounds, which was believed to be more than any one of the Profeſſion ever did before.

HE

HE was upon *Oliver*'s assuming the Protectorship in 1653, by Writ dated the 4th of *February*, called to the degree of Serjeant at Law, having before taken the Engagement, and on the First of *May* following was by Patent, made the Protector's Serjeant, and continued in great Repute, only he had one Scuffle with the Protector, which is not to be omitted in this Place. One time, when he had laid some extraordinary Tax upon the City, one *Cony*, an Eminent Merchant, who had formerly served *Cromwell* very Notably, Positively refused to pay his Share, and loudly diswaded others from submitting to it, as an Imposition notoriously against the Law, and the Property of the Subject, which all honest Men were bound to defend: *Cromwell* hearing of this, sent for and Cajoled him with the Memory of the old Kindness and Friendship that had been between them, and that of all Men he did not expect this Opposition from him, in a Matter that was so necessary for the Good of the Commonwealth. It seems it had always been *Cromwell*'s Fortune to meet with the most rude and obstinate Behaviour from those who had formerly been absolutely governed by him, and they commonly put him in mind of some Expressions of his own, in Cases of the like Nature. And this Person in like manner remembred him how great an Enemy he had expreſt himself to such Grievances, and had declared that all that submitted to them, and paid Illegal Taxes, were more to blame, and greater Enemies to their Country, than they who had imposed them, and that the Tyranny of Princes cou'd never be grievous, but thro' the Tameness and Stupidity of the People. When *Cromwell* saw he could not bring him

him to his Bow, he told him he had a Will as ſtubborn as his, and he would try which of them Two ſhou'd be Maſter. Thereupon with ſome Expreſſions of Reproach and Contempt he committed the Man to Priſon, whoſe Courage was no ways abated, but as ſoon as the Term came, brought his *Habeas Corpus* in the *King's-Bench*, then called by the Name of the *Uyper-Bench*. *Maynard*, who was the Priſoners Counſel, demanded his Liberty with great Confidence, both upon the Illegality of the Commitment, and the Illegality of the Impoſition, as being laid without any Lawful Authority. The Judges could neither maintain nor defend either, and ſufficiently declared what their Sentence would be, and therefore the Protector's Attorney required a farther Day, to anſwer what had been urged: But before the Day came, *Maynard* was committed to the *Tower*, for preſuming to queſtion or make any Scruple of his Authority, and the Judges were ſeverely reprehended for allowing that Liberty at the Bar; and when they very humbly mentioned the Law and *Magna Charta*, *Cromwell* told them, with Terms of Contempt and Deriſion, their *Magna* F—— ſhou'd not controul his Actions, which he knew were for the Safety of the Commonwealth; then he asked them, who made them Judges, whether they had any Authority to ſit there but what he gave them, and that if his Authority was at an End, they knew well enough, what would become of themſelves, and therefore adviſed them to be more tender of that which would only Preſerve them; and ſo diſmiſſed them with Caution, that they ſhould not ſuffer the Lawyers to Prate what it would not become them to hear.

MAY

MAYNARD having by all ſubmiſſive Applications obtain'd his Liberty, we hear not much of him till after the King's Reſtauration, to which he did no Way ſhew himſelf averſe, but indeed heartily eſpouſed it: He was by Writ in the beginning of *June* called again to the Degree of Serjeant at Law, made the King's Serjeant on the 9th of *November*; and Knighted on the 16th of the ſame Month *An.* 1660, at which Time he was appointed to be one of the Judges; but by ſeveral Excuſes got himſelf clear of that Employment. He was in the beginaing of 1661 Elected Burgeſs for *Beralſton* in the County of *Devon*, to ſit in the Parliament that began at *Weſtminſter* on the 8th of *May* the ſame Year, and for ſome time run in with the Common Current, ready in every thing to gratifie the Court; but when he ſaw to what End the ſeveral Affairs and Intereſts of Men tended, to the Increaſe of Penſioners therein, and of Popery in the Nation, he ſtood up for the good of his Country, and therefore was eſteemed a Patriot.

AFTER that Parliament was diſſolved, he was Elected a Burgeſs in his own Country, to ſerve in the next Three Parliaments that were called by King *Charles* II. In that which began on the 17th of *October* 1679, (which becauſe of ſeveral Prorogations did not ſit till the 21ſt of *October* 1680) he was one of the Committee to manage the Evidence againſt *William* Viſcount *Stafford*, impeached of High Treaſon for the Popiſh Plot; but being then aged did not appear ſo active at that Trial as he had been at that of the Great Earl of *Strafford*.

WHEN

WHEN King *James* II. came to the Crown, he was again choſen Burgeſs for *Beralſton*, to ſit in that Parliament that began at *Weſtminſter* on the 19th of *May* 1685. Upon King *William*'s aſcending the Throne, being made Commiſſioner of the Great Seal, as aforeſaid, he was choſen Burgeſs for *Plimouth* (he being not able to carry the Election for *Middleſex*, for which he ſtood Candidate) to ſit in that Parliament, which began at *Weſtminſter*, on the 20th of *March* 168$\frac{9}{0}$. He was grown ſo infirm with his great Age and the various Fatigues of a long and active Life, that he gave up his Place of Commiſſioner ſoon after, and indeed did not long ſurvive it, for he departed this Life at his Houſe at *Gonersbury* in the Pariſh of *Eling*, in the County of *Middleſex*, on the 9th of *October* following 1690, and his Body, attended by certain Officers of Arms, and a large Train of Coaches, was in a few Days after buried in the Church of *Eling*.

THIS Sir *John Maynard* was a Perſon, who by his Great Reading and Knowledge in the more profound, perplext, and knotty Parts of the Law, had many Years ago procured the Reputation of being one of the chief Dictators of the long Robe, and by his great Practice for many Years together, acquired a very plentiful Eſtate. The Univerſity of *Oxford* is much beholding to him, and ought for ever to retain a grateful Remembrance of him, he always conſidering the ſame as his Mother, and conſtantly refuſed, tho' in the Way of his Profeſſion, to be entertained by any againſt her; and, whenever any Perſons delegated by her Authority for the Management of her Publick Law Concerns applied themſelves to him for his

his Advice and Aſſiſtance, he did moſt readily give them both, and ever acted his beſt on her Behalf.

THERE are ſeveral Things extant of Sir *John Maynard*, as Diſcourſes in the Management of the Evidence againſt *Thomas* Earl of *Strafford*; others upon the like Occaſion againſt the Archbiſhop of *Canterbury*. Speech at the Committee at *Guild-Hall* 1641, concerning the Breaches and Priviledges of Parliament. *London*'s Liberty, or Learned Arguments of Law and Reaſon before the Lord-Mayor and Court of Aldermen at *Guild-Hall*, 1650. *Lon.* 1682. *Fol.* Reports and Caſes argued and adjudged in the Time of *Edward* II. and alſo divers *Memoranda* of the *Exchequer* in the Time of *Edward* I. *Lon.* 1679. publiſhed according to the Ancient Manuſcript then remaining in the Hands of Sir *John Maynard*; to ſay nothing of the Speeches and Arguments uſed by him at the Trial of *William* Lord Viſcount *Stafford*. I had almoſt forgot to take Notice of Sir *John Maynard*'s being a Member of the Convention Parliament in 1688, and that he was a great Promoter of the Revolution, he being the Perſon, according to Common Fame, that firſt ſtarted the Word *Abdication* in the Houſe of Commons, for which he appeared a great Stickler in the Free Conference between the Lords and Commons about that Weighty and Critical Affair.

AS for the other Commiſſioners of the Great Seal, who were Sir *John*'s Colleagues, *viz.* Sir *Anthony Keck*, and Sir *William Rawlinſon*, the firſt of them did not live, at leaſt was not imployed in the New Commiſſion, granted by their Majeſties about the beginning of *June*

1690, whereby Sir *John Trevor*, Knt. Speaker of the Houſe of Commons, the ſaid Sir *William Rawlinſon*, and Sir *George Hutchins*, Kt. were Conſtituted Commiſſioners of the Great Seal. Sir *Anthony*, a Gentlemen Born from no great Beginning, had by his Induſtry and Skill in the Profeſſion of the Law attained a good Fortune, and ſome Fame for Integrity: Sir *John Trevor* is the preſent Maſter of the Rolls, and Eminent for his Acuteneſs in the Diſcharge of his great Poſt: Sir *William Rawlinſon*, if I miſtake not, was a Gentleman of Birth of the County of *Lancaſter*: I had rather draw a Veil over the Character commonly given him and his Colleague *Hutchins*, in the high Station wherein they acted by Concert, than enter upon the Diſquiſition of an Affair wherein I cannot be ſure to be in the Right, ſince their Commiſſion was ſuperſeded in *March* 169$\frac{2}{3}$. They are ſince both Dead, *Rawlinſon* having paid his Debt to Nature *May* 11th 1703, and lyes buried in *Hendon* Church in the County of *Middleſex*, with a Noble Monument Erected for him, and his Statue, in a lying Poſture, moſt curiouſly cut in Marble, which indeed very much reſembles him: I know nothing of Sir *George Hutchins* his *Exit*, that being as obſcure to me as his Birth was reported to be, and ſo I leave them to their Reſt.

169$\frac{2}{3}$. ABOUT the latter end of *March*, Sir *John Somers*, Knt. then Attorney-General, was Conſtituted Lord-Keeper of the Great Seal of *England*. Here is a large Field to expatiate upon the Great Learning and other Perfections of this Gentleman, but he being ſtill alive I ſhall entirely wave it. He was Born in *Worceſterſhire*, ſtudied the Law in the *Temple*, became a very great Proficient therein, as well

well as in the Civil Law. His Concealed and Excellent Talents came not much to be known till the Trial of the Seven Biſhops in 1688, for whom he was Counſel: He was choſen a Member for the City of *Worceſter* in the Convention Parliament, and was one of the Managers of the Conference between the Lords and Commons about the Abdication of King *James*, wherein he diſcovered his great Learning and Knowledge. King *William* in the beginning of *May* 1689 was pleaſed to make him his Solicitor-General. Some Time after, upon the Promotion of Sir *George Terby* to be Lord Cheif Juſtice of the *Common-Pleas*, Sir *John Somers* was made Attorney-General in his Room, from whence he was promoted to be Lord-Keeper as aforeſaid, to the General Satisfaction of the People, who had no great Opinion of the late Management of the Chancery by the Commiſſioners. His Lordſhip continued with great Application to regulate the Abuſes that had crept in, and faithfully to diſcharge the great Truſt repoſed in him. Queen *Mary* dying the latter end of the Year 1694, to the great Regret of her Loyal Subjects, my Lord-Keeper was conſtituted one of the Lords Juſtices of *England*, for the Adminiſtration of the Government during his Majeſty's Abſence in 1695. He executed the ſame Truſt the Four ſucceeding Years. The King in 1697 having received the Great Seal from the Hands of the Lord-Keeper in Council, was pleaſed to rerurn it to him again, with the Title of Lord-Chancellor, to which he afterwards added the farther Honour of a Baron of *England*, by the Stile and Title of Lord *Somers*, Baron of *Eveſham* in the County of *Worceſter*.

BEFORE his Majeſty left *England* in 1698, he was pleaſed to acquaint my Lord-Chancel-

lor *Somers*, that ſome Intimations had been given the Earl of *Portland*, when in *France*, that the *French* King inclined to come to an Agreement with his Majeſty concerning the Succeſſion of the Crown of *Spain*; and that after he went over that Summer to *Holland*, Mr. Secretary *Vernon* communicated to his Lordſhip, then at *Tunbridge*, by his Majeſties Permiſſion for the Recovery of his Health, a Letter he had receiv'd, writ by the Earl of *Portland*, by the King's Order, wherein it was mentioned, that Count *Tallard*, the *French* Ambaſſador, had declar'd to his Majeſty an Accommodation might be found out in relation to the *Spaniſh* Succeſſion, in Caſe of the King's Death, and that his Majeſty had ſounded *France* upon what Terms an Agreement might be made, the Subſtance of which was communicated to him.

HIS Majeſty farther Commanded Mr. *Vernon* to ſpeak to my Lord Chancellor about that Matter, and that his Lordſhip ſhould diſcourſe it with thoſe he thought he might truſt with the Secret. At the ſame Time my Lord *Somers* received a Letter from the King, Signed by himſelf, intimating the ſame Matter, and about which my Lord *Portland* would write to Mr. *Vernon*. He likewiſe Commanded his Lordſhip to ſend full Power to him under the Great Seal of *England*, with Blanks for the Names of the Commiſſioners to Treat with Count *Tallard*; and the King in his Letter was pleaſed to ſay he believed it might be done ſecretly; none but my Lord Chancellor, Mr. Secretary *Vernon*, and thoſe to whom he and Mr. Secretary ſhould communicate the ſame, were to have any Knowledge of the Matter; and the Clerks who were to write the full Powers ſhould not know what they were. My Lord Chancellor immediately returned

turned my Lord *Portland*'s Letter to Mr. *Vernon*, and desired him to Communicate the Contents of it to the Earl of *Orford*, and to Mr. *Charles Montague*, since Created Lord *Hallifax*, who, as he was assured, were then in *London*; and also to such others as they and Mr. *Vernon* should think fit; who in regard to the King's Command to have that Affair kept secret, thought fit to impart it only to the Duke of *Shrewsbury*, as Mr. *Vernon* afterwards acquainted my Lord *Somers*.

SOME Time after my Lord *Hallifax* going down to *Tunbridge*, and Mr. *Vernon* coming thither also about the same Time, they and my Lord Chancellor discoursed together concerning the Partition Treaty, after which my Lord *Somers* writ a Letter to his Majesty, dated *August* the 28th, as his own Thoughts, and what was apprehended to be the Result of their Consultation, wherein he humbly represented, First, that the Certainty of such a Proposal, as was mentioned by Count *Tallard*, seemed to be attended with very many ill Consequences, if the *French* King did not act a sincere Part; but that they were soon at Ease as to any Apprehension of that Sort, being fully assured that his Majesty would not act but with the utmost Niceness in an Affair wherein his Glory and the Safety of *Europe* was so highly concerned: That the Second Thing they considered was the very ill Prospect that was like to happen upon the Death of the King of *Spain*, in case nothing were done previously towards providing against that Accident, which seemed probably to be very near, the King of *France* then having so great a Force in such a Readiness, that he was in a Con-

dition to take Poſſeſſion of *Spain*, before any other Prince could be ready to make a Stand; that his Majeſty was the beſt judge whether that was the Caſe, who was ſo perfectly informed of the Circumſtances of moſt Parts of *Europe*: But ſo far as it related to *England*, it would be want of Duty not to give his Majeſty that clear Account, that there was a Deadneſs and Want of Spirit in the Nation univerſally, ſo as not at all to be diſpoſed to the Thoughts of entring into a new War; and that they ſeemed to be tired out with Taxes to a degree beyond what was diſcerned, until it appeared upon the Occaſion of the then late Elections: That this was the Truth of the Fact, upon which his Majeſty would determine what Reſolutions were proper to be taken. The remaining Conſideration was, what would the Condition of *Europe* be if the Propoſal took Place? But of that they thought themſelves little capable of judging; but it ſeemed that if *Sicily* was in the *French* Hands, they would be entirely Maſters of the *Levant* Trade; that if they were poſſeſſed of *Final*, and thoſe other Sea-ports on that Side, whereby *Milan* would be entirely ſhut out from Relief by Sea, or any Commerce, that Dutchy would be of little Signification in the Hands of any Prince; and that if the *French* King had Poſſeſſion of that Part of *Guipuſcoa*, which was mentioned in the Propoſal, beſides the Ports he would have in the Ocean, it ſeemed he would have as eaſie a Way of Invading *Spain* on that Side, as he had on the Side of *Catalonia*: But it was not to be hoped that *France* would give up its Pretenſions to ſo great a Succeſſion without reaſonable Advantages; and they were aſſured his Majeſty would reduce the Terms as low as could be done,

and

and make them as far as was poſſible in the then Circumſtances of the Times, ſuch as might be ſome Foundation for the future Tranquility of Chriſtendom, which all his Majeſties Subjects could not but be convinced was his true Aim: And if it could be brought to paſs, that *England* might be ſome Way a Gainer in that Tranſaction, whether it was by the Elector of *Bavaria*, who was the Gainer by his Majeſties Interceſſion in that Treaty, his coming to an Agreement to let the *Engliſh* into ſome Trade in the *Spaniſh* Plantations, or in any other Manner, it would wonderfully endear his Majeſty to his *Engliſh* Subjects.

THAT it did not appear, in Caſe the Negociation ſhould proceed, what was done on his Majeſties Part, in order to make it take Place, whether any more were required, than that the *Engliſh* and *Dutch* ſhould ſit ſtill, and *France* itſelf was to ſee it executed; and if it were ſo, what Security ought to be expected, that if by their being Neuters the *French* ſhould be more ſucceſsful, they would confine themſelves to the Terms of the Treaty, and not attempt to make farther Advantages of their Succeſs.

NOTWITHSTANDING theſe wiſe Premonitions of his Lordſhip, the Treaty went on, and was concluded, and in leſs than Two Years after this the Great Seal was taken from him, and no Body for ſome Time would adventure to receive it, and diſcharge the great and difficult Truſt held by it, after him; and the Year following, *viz.* in 1701, his Lordſhip and ſome other Peers fell, I know not for what, under the Diſpleaſure of the Houſe of Commons, ſo that they exhibited a Charge againſt him, that contrary to his Truſt he put

the Great Seal to the Commiſſions for treating about the Partition without the Participation of the Council; that having no Warrant for the ſame, he afterwards endeavoured to procure one to be tranſmitted to him; that he ratified the Treaty of Partition in 1698; that he did the ſame by the Treaty of Partition in 1699; that he did not cauſe the ſaid Commiſſions and Ratifications to be enrolled; that he procured divers Grants to himſelf, of which they inſtanced divers Particulars in Two or Three Articles; that he was concerned as well as the Lord of *Orford* in ſending out Captain *Kidd*; that he did not do his Office in Chancery, but aſſerted ſome Things dangerous to the Conſtitution of the Kingdom: As to the Treaty of Partition the forementioned Letter gives an ample Account of it; and for his Signing Commiſſions, in order to treat, he thought his Majeſties Letter a ſufficient Authority for it, as he had alſo one for the Blanks for Ratification: As for the enrolling the Commiſſions, *&c.* he thought that was none of his Buſineſs, but the Prothonotary in *Chancery:* Having proceeded thus far in his Anſwer, and given a Detail of the Grants, which were nothing near what was urged againſt him, he ſaid that *Kidd* was ſent out for the Good of the Publick, tho' it proved otherwiſe in the Event; that he never delayed Proceedings in *Chancery*, and never delivered there or any otherwhere any Propoſitions dangerous to the Conſtitution of the Kingdom.

THE Lords inſiſting from time to time that the Commons ſhould agree to the ſpeedy Trial of his Lordſhip, and the other Peers, and the Commons alledging they could not yet be ready for it, the Lords proceeded to the

 ſame

ſame without them, and honourably acquitted them: His Lordſhip has for the moſt part lived ſince retiredly; only when any Thing has been on Foot in Parliament, wherein he thought the Good of his Country had been concerned, he has ſhew'd himſelf a Zealous and Conſtant Stickler, and no doubt will ever remain ſo, as long as his Health will permit him, of which I wiſh him as great a Share as he has Abilities and Inclinations to withſtand any Thing that may be detrimental to his Prince, and deſtructive of the Liberties of *Great-Britain*.

SOME time after my Lord Chancellor *Somers* had delivered up the Great Seal, it was committed to the Cuſtody of Sir *Nathan Wright*, Knt. who kept it till *October* 1705, ſince which time he has for the moſt part lived without Noiſe in the Country: This Gentleman was a Clergyman's Son in *Leiceſterſhire*, and being Bred to the Profeſſion of the Law, made large Advances therein; but was more particularly taken notice of at the Bar of the Houſe of Lords in the Caſe of Sir *John Fenwick*, which indeed gave him a Lift towards attaining the Cuſtody of the Great Seal, during which he was one of the Lords Juſtices of *England* here during his Majeſty King *William*'s Abſence in *Holland*, in the Years 1700 and 1701. Upon the Acceſſion of Her Preſent Majeſty to the Throne he ſeem'd to be firmly eſtabliſhed in his Great Office, which he held to the aforeſaid Time, but was then deprived thereof for Reaſons beſt known to thoſe then at the Helm, tho' he had wiſely declined all he could to meddle with Politicks during his continuance in that High Station. 1700.

SIR

SIR *Nathan Wright* was ſucceeded by *William Cowper*, Eſq; Eldeſt Son of Sir *William Cowper*, Originally of *Wingham*, in the County of *Kent*, an Eminent Counſel at the Bar, who had the Great Seal delivered to him in *October* this Year: Having made choice of his Officers, and ſtrictly enjoined them to a faithful Diſcharge of their Places, without taking the leaſt Fee beyond their Due, upon Pain of being immediately caſhiered, he performed ſoon after a moſt Self denying and popular Act, by abſolutely refuſing the uſual Preſents at *New-Years-Tide* made by the Gentlemen of the Long Robe, to thoſe that had the Great Seal in their Cuſtody. This Cuſtom, if I am not miſinformed, was firſt brought up in the Lord *Chancellor Egerton*'s Time, who received at that Seaſon of the Year not Preſents in Money, but in Kind, which the after corruption of the Times brought to degenerate into the former, and to a much greater Value; all which he quite aboliſhed. Her Majeſty in *April* 1706 having Iſſued out her Commiſſion to treat of an Union between the Two Nations of *England* and *Scotland*, and my Lord-Keeper being the Second of thoſe for the former, conſtituted to treat about the ſame, upon the firſt Meeting of the Commiſſioners on both Sides, his Lordſhip began that great Work, and Addreſſing himſelf to the Lords Commiſſioners for *Scotland*, ſaid, that they, the Commiſſioners Appointed by Her Majeſty, and Authoriz'd by the Parliament of *England*, to conſult and treat with their Lordſhips, as impower'd in like manner by Her Majeſty and the Parliament of *Scotland*, concerning an Union of the Two Kingdoms, and ſuch other Things, as they, the Commiſſioners on either Part, ſhould think convenient and neceſſary for the Honour of

1706.

Her

Her Majesty and the Common Good of both Kingdoms, did apprehend, there never was (in an Assembly of that Nature) so little Occasion as at that present, to give any Verbal Assurance of their Zeal to promote and compleat (so far as in their Power) the Great and Good Design they were met about, since it could not be doubted but that they brought along with them the same Sentiments which so lately appeared in the Parliament of *England*, when they took Care to manifest by a solemn Act, that they did postpone all other Considerations, to their evidencing a good and friendly Disposition towards the Kingdom of *Scotland*.

THAT the Parliament of *England* in making that unexpected Advance, seem'd resolved, if possible, to attain that Union, which had so long been thought necessary, by all that wished well to the Prosperity of both Nations.

AND they most sincerely assured their Lordships, that they accordingly gave them the meeting with Hearts fully resolved to use their utmost Endeavours to remove all Difficulties in that Treaty, to prevent all Misunderstandings, to cherish and improve the good Dispositions to one another they met with, to have the general and joint Good of both Kingdoms duely in their View, and not the separate of either, but to act as if they were already united in Interests, and had nothing left to consider, but what Settlements and Provisions were most likely to conduce to the common Happiness and Safety of the whole Island of *Great-Britain*; which Measures, if pursued on both Parts, they hoped might enable them to prepare such Terms of Union as might prove Satisfactory to Her Majesty, and the Parliaments of both Kingdoms.

THE

THE Earl of *Seafield*, Lord Chancellor of *Scotland*, having made a ſuitable Anſwer for the Commiſſioners of that Kingdom, the Lord Keeper in the Name of the Commiſſioners for *England*, on the 22d of *April* delivered to the Board the Preliminaries, which being firſt read, he afterwards delivered Propoſals for uniting the Two Kingdoms into one by the Name of *Great-Britain* for ever; that that united Kingdom ſhould be repreſented by One and the ſame Parliament; and that the Succeſſion to the Monarchy of the ſame, in Caſe of failure of Heirs of Her Majeſties Body, ſhould be according to the Limitation mentioned in an Act of Parliament, made in the 12th and 13th of *William* III. Entituled, *An Act for the further Limitation of the Crown, and the better ſecuring the Rights and Liberties of the Subjects.*

IT would be too great a Digreſſion to follow the Paces made towards compleating the Union between the Two Kingdoms, wherein the Lord Keeper *Cowper* was generally the Mouth of thoſe who acted on the Part of *England* in that arduous Affair; but the ſame having been happily concluded by them, they jointly waited upon Her Majeſty at St. *James's* on the 23d of *July*, where the Lord Keeper in the Name of the *Engliſh* Commiſſioners preſented the Sign'd and Seal'd Inſtruments in Writing to Her Majeſty, the ſame containing the Articles of the Union on the Part of *England*, and then at the ſame time was pleas'd to deliver himſelf to this Effect.

THAT they the Commiſſioners appointed by Her Majeſty, in purſuance of the Act of Parliament paſſed in Her Kingdom of *England*, to treat concerning an Union of the Two Kingdoms, with Commiſſioners for *Scotland*,

Scotland, did (according to their Duty) humbly beg leave to present to Her Majesty those the Effects of their continued and faithful Endeavours towards that End; that they were Articles agreed upon between Her Commissioners of both Kingdoms, as the Terms and Conditions upon which the Intended Union was to take place, if Her Majesty and the Parliament of both Kingdoms should think fit to Approve and Confirm the same.

THAT in these they had come to an Agreement in every Point they judged Necessary to effect a Compleat and Lasting Union, and they had endeavoured not to stir in any Matter they had Reason to think was not so; and that tho' they had unanimously carried that Treaty so far, purely from a Conviction that they had done therein to God, Her Majesty, and their Country, good Service, that yet they were far from thinking that what they had done would or ought to be of any Weight or Authority elsewhere, but did most entirely submit those their Labours to the High Wisdom of Her Majesty and both Her Parliaments to stand or fall by the Reason, Justice, and publick Utility, on which they were founded.

THAT Her Majesty's Royal Presence, and seasonable Admonitions to them at the fittest Junctures, were (they most thankfully acknowledged) a very great Encouragement and Assistance to them in the Difficulties they met with.

THAT Her Majesty's Glory was already Perfect, and that the Finishing of that Work was all that was wanting to compleat as well as secure the Happiness of so great a People as Her Subjects might now without any Arrogance pretend to be.

MIGHT

MIGHT Her Majesty Live not only to give a Sanction of this Universal Blessing to all Her People, but also to see in a long and prosperous Reign over them, the many immediate (or near) good Effects of it; but that as for that great and main Consequence of it, for which Her Majesty was making by a most gracious and charitable Foresight, that only effectual Provision, he meant the Continuance of Peace, and Tranquility in that Island, upon a Descent of the Crown instead that of Bloodshed and Distraction, which would probably follow upon the fatal Division of it.

MIGHT they be so happy as never in their Days to experiment the Fitness of those Measures Her Majesty was now taking for that End; but might late, very late Posterity only, in that respect reap the Advantage of them.

THE Queen having made a very Gracious Answer to this, and the Chancellor of *Scotland*'s Speech, we need make no Excursion into this Affair; and therefore having observed that the Duke of *Marlborough* having early this Campaign Fought and totally Routed the *French* Army at *Ramellies*, in the *Netherlands*, and the House of Lords after their Meeting having voted Him Thanks for his Eminent Services, the Lord-Keeper in their Name was pleas'd to say.

My Lord Duke of *Marlborough*,

I Am Commanded by this House to give your Grace their Acknowledgment and Thanks, for the Eminent Service you have done since the last Sessions of Parliament, to Her Majesty and your Country, together with their Confederates in this Just and Necessary War.

THOUGH

THOUGH your former Successes against the Power of France, *while it remained unbroken, gave Reasonable Expectation that you should not fail to improve them, yet what your Grace has perform'd this last Campaign has far exceeded all Hopes, even of such as were most affectionate and partial to their Country's Interest, and your Glory. The Advantages you have gain'd are of such a Nature, so conspicuous in themselves, so undoubtedly owing to your Conduct and Courage, so sensible and universally beneficial in their Consequences to the whole Confederacy, that to attempt to adorn them with the Colouring of Wood, would be vain and inexcusable, and therefore I decline it; the rather because I should certainly offend that great Modesty which alone can and does add Lustre to their Actions, and which, in your Grace's Example, has successfully withstood as great Trials as that Vertue has met with in any Instance whatsoever. And I beg leave to say, that if any Thing could move your Grace to reflect with much Satisfaction on your own Merit, it would be this, That so August an Assembly does with one Voice praise and thank you; an Honour, which a Judgment so sure as that of your Grace's, to think rightly of every Thing, cannot but prefer to the Ostentation of a Publick Triumph.*

The Duke of *Marlborough* having made a very Suitable Reply to this Congratulation and Thanks of the House of Lords by the Mouth of my Lord-Keeper, there is nothing more material concerning his Lordship that does occur to us (not to mention his Faithful, Diligent, Judicious, and most Equitable Discharge of the great Trust repos'd in him) till about the Month of *February*, 1707. He had been for some Years a Widower, but having

no

no Children by his Lady, he thought fit to marry again, and having pitch'd upon a moſt Vertuous and Beautiful Gentlewoman, one Madam *Clavering*, the Nuptials were celebrated about this Time.

IT was not long after this that Her Majeſty, as a Mark of her Singular Favour, was pleas'd to make him a Baron of the Realm of *England*, by the Stile and Title of *William*, Lord *Cowper*, Baron of *Wingham* in the County of *Kent*.

UPON the Compleating of the Union of the Two Kingdoms, on the Firſt of *May* the Queen conſtituted my Lord *Cowper* to be Lord High Chancellor of *Great-Britain*, he being the firſt upon whom that great Honour was conferr'd; and it was then preſumed it would have been the Title by which his Succeſſors ſhould for the future be always diſtinguiſh'd.

THERE being another Attempt form'd towards the Beginning of the Year 1708. to bring about great Alterations in the Miniſtry at Court, thoſe who were to ſucceed in the Great Offices to be vacant were rather gueſſed at than certainly known. It's paſt Diſpute that if the Mine had ſprung well, and according to their Wiſhes, my Lord Chancellor was to be removed, and common Fame gave out that Sir *S*—— *H*—— ſhould be advanced to his Place; but Matters taking quite another Turn, My Lord ſtood his Ground firmly, and continued ſtill in Her Majeſty's Favour.

THE Prince of *Denmark*, Her Royal Conſort, giving Way to Fate the latter End of *October*, the ſame Year, to the unexpreſſible Grief of Her Majeſty, She thought fit to appoint Commiſſioners to repreſent Her Perſon in the Parliament

Parliament which was to be held in *November*; of which Number my Lord Chancellor being One, he made a Speech in the Name of the reſt of them on the Eighth to both Houſes; That in Purſuance to the Authority given him by Her Majeſty's Commiſſion under the *Great Seal*, among other Things to declare the Cauſes of Her Calling of that Parliament, they were by Her Majeſty's Command in the firſt Place to obſerve to them, that the Extraordinary Length of that Year's Campaign had obliged Her Majeſty to defer their Meeting longer than otherwiſe ſhe would have done, that they might be informed with the greater Certainty of the State and Poſture of the War, in order to their Reſolutions for the enſuing Year.

THAT this neceſſary Delay had now ſo far ſhewn them the Succeſſes of Affairs abroad, as that whether they conſidered the Places acquired by the Allies, or the farther and continued Proofs given this Year of their Superior Courage and Conduct, (the which as to the Future Part of the Year was equal to all other Advantages,) they might with Thanks to God, and Juſtice to thoſe he had been pleaſed to uſe as Inſtruments in that great Work, conclude that upon the whole, they were brought much nearer than they were laſt Seſſions to the End of their Undertaking that War, the Reducing the Dangerous Power of *France*, and Settling ſuch a Peace as might ſecure itſelf from being violated.

THAT Her Majeſty therefore commanded them to aſſure the Parliament, that She had not the leaſt Doubt but they would be of the ſame Opinion with Her Laſt, as to the Vigorous Proſecution of the War, and the Ends of it; believing it impoſſible the Repreſentatives

of the *British* Nation would endure to think of losing the Fruits of their past Endeavours, and the great Advantages they had gained (particularly in that present Year) by submitting at last to an Unsecure Peace.

AND that therefore since probably nothing could hinder their Success abroad for the Time to come, but Misunderstandings amongst themselves at Home, the Lords Commissioners had it in their Command to conjure them by their Duty to God, and to Her Majesty, their Zeal for the Protestant Religion, their Love for their Country, and the Regard they could not but have for the Liberty of *Europe* in general, to avoid all Occasions of Divisions, which were ever hurtful to the Publick, but would more especially be so at that Juncture, when the Eyes of all their Neighbours were upon them.

THAT they could not but be convinced that several Parts of the War, which were provided for by the last Parliament, would require their Support at least in the same Degree; but that in *Flanders* the Nature of the War was much altered by the Great Advances made there towards entring into *France*, which had so alarm'd their Enemies, that they were drawing more Troops daily to that Side for the Defence of their own Country; and therefore Her Majesty hoped they would have so Right a Sense of their present Advantages, as to enable Her Majesty to make a considerable Augmentation for preserving and improving them, which by the Continuance of God's Blessings on their Arms, must soon put a Glorious Period to that Long and Expensive War.

THAT as to the Condition of the Fleet, they had it in Command from Her Majesty to acquaint

quaint them, that the conſtant and remote Services, in which the Ships had been employed, had made a greater Sum than uſual requiſite, as well for the extraordinary Repairs as for Building New Ships: And thus the Taking of Port *Mahone*, as it had afforded the Means of having a Port for the Fleet to operate with more Effect and Readineſs on the Enemy, or where-ever it might be uſeful to the Common Cauſe in thoſe Parts; ſo the making ſuch Proviſions at ſo great a a Diſtance as would be proper for that Service, muſt of Neceſſity cauſe ſome extraordinary Expences: That Her Majeſty recommended all theſe to their Serious Conſideration, deſiring them to provide timely and effectual Supplies for thoſe Ends, and likewiſe for carrying on ſuch Fortifications for the Security of our Ports, and extinguiſhing the inward Hopes of profiting by Diſturbance in *Scotland*, as they ſhould think fit.

THAT the Union was eſteemed by Her Majeſty to be ſo happy and great, that ſhe was pleaſed to command them to remind the Parliament of preparing ſuch Bills as ſhould be conducing to that End, and particularly to make the Laws of both Parts of *Great-Britain* equal, as near as might be, for the Common Good of both People, eſpecially as to thoſe Laws which related to Criminal Caſes and Proceedings, and ſettling the *Militia* on the ſame Foot in the united Kingdom.

THAT Her Majeſty was graciouſly pleaſed they ſhould alſo aſſure them, that if they could propoſe any Means for the Improvement of our Trade, or Manufacture, for the better Imployment of the Poor, Her Majeſty would take the greateſt Satisfaction in enacting ſuch Proviſions, there being nothing She

ſo earneſtly deſired, as that God would bleſs Her with more and more Opportunities of doing all poſſible Good to ſo well-deſerving a People, ſo firm and ſo affectionate to Her Intereſt.

AND that as Her Majeſty did not doubt but by God's Bleſſing, and their good Affections, to continue to defeat the Deſigns of the Pretender, and his open and ſecret Abettors, ſo Her Majeſty would always endeavour on Her Part to make Her People Happy to ſuch a Degree, as that none (except of deſperate Fortune) ſhould enter into Meaſures for the Diſturbance of Her Government, the Union or the Proteſtant Succeſſion as by Law eſtabliſh'd, without acting at the ſame Time manifeſtly againſt their own true and laſting Intereſt, as well as their Duty.

HER Majeſty living all this Time a very Retired and Melancholy Life upon the Occaſion of the Prince's Death, the Lords and Commons, whether upon that or ſome other Account ſhall not now be the Subject of our Enquiry, joined in an Addreſs that ſhe would be pleas'd to entertain Thoughts of Remarrying, which on the Part of the Houſe of Peers was preſented to Her by the Lord Chancellor.

THE Parliament of *Great-Britain* drawing to a Concluſion, and the many Bills that were ready being on the 21ſt of *April* paſſed by the Lords Commiſſioners appointed for that Purpoſe, the Lord Chancellor in the Name of the reſt delivered himſelf to both Houſes to this Effect, That being now by the Queen's Direction to put an End to that Seſſion, they had it in Command from Her Majeſty to aſſure them, Her Majeſty was extremely ſenſible of the Zeal and Affection they had

ſhewn

ſhewn for Her Service, and the Good of Her People, of the Prudence and Diſpatch with which they had compleated the Important Buſineſs of that Seſſion.

THAT the Vigour and Firmneſs of their Proceedings had already had a very good Effect on Affairs Abroad, and there was Ground to hope, that by God's Bleſſing on Her Majeſties Endeavours that that would every Day appear more and more evident.

THAT they were in particular to return the Commons Her Majeſty's Thanks, for having ſo timely and effectually provided the Supplies found neceſſary to the Proſecution of the War, with an Augmentation of thoſe Forces, which in Conjunction with Her Allies, had, by God's Aſſiſtance, proved them the Preſent Advantages over the Common Enemy.

THAT their Cheerfulneſs in giving ſuch large Supplies at that Juncture, and the Ready Advances which had been made for their being Effectual, with ſo little Burden to the People, ſhew'd they perfectly underſtood how to make a right Uſe of their paſt Succeſſes; and that nothing was too difficult for ſo Dutiful and Affectionate Subjects, acting in Defence of ſo Good a Cauſe.

THEN addreſſing himſelf to the Lords and Commons, he ſaid, That Her Majeſty, thro' the whole Courſe of Her Reign, having been deſirous to ſhew all poſſible Inſtances of Goodneſs and Clemency to Her Subjects, had now, for the ſtrengthning the Union, and quieting the Minds of all Her Subjects throughout the United Kingdom, thought fit to grant them an Act of Grace and Free Pardon, in a more free and beneficial Manner than had been formerly uſed; not doubting but that all Her People would make a right uſe of, and ſuitable Returns on

their Part for ſo extraordinary an Indulgence.

THAT Her Majeſty having alſo been graciouſly pleaſed to give her Royal Aſſent to the ſeveral Bills they had preſented during that Seſſions, commanded the Lords Commiſſioners to obſerve to them upon that Occaſion, that the Life and Benefit of all Laws, how wiſely ſoever they were framed, did chiefly conſiſt in a due and regular Execution of them; and therefore to exhort them, that when they return'd to their Countries they would think it indiſpenſably their Duty to ſet a good Example towards an Impartial and Steady Obſervation of the many good Laws which had been Enacted, (eſpecially ſince the Revolution,) and which fell within their Province to execute.

THAT it being but too evident that the Defect, at preſent attending us, was not ſo much the want of New Laws, as the Neglect and Diſregarding thoſe already made.

THIS done, and his Lordſhip, purſuant to the Queen's Command, having prorogued the Parliament, we have nothing of State Matters farther to add; and therefore after having obſerved that his Lordſhip had a Son Born on the 4th of *Auguſt*, 1709, to Inherit his Honour and Eſtate, the Remainder of this Year he ſpent in the due and regular Execuon of his great Office.

THE next Year having introduced great Convulſions in the State, the great Station his Lordſhip moved in could not poſſibly exempt him from feeling the Effects thereof: He preſided at the Trial of Dr. *Henry Sacheverell* with his uſual Candour and Dexterity; and the Changes which ſome Time after happned in the Miniſtry foreboded his Lordſhip was not Long-lived in his Place, which all Parties would have been pleaſed he ſhould have

continued

continued in, and ſome ſaid Her Majeſty Herſelf preſt him to it: Be this as it will, no Man in the World held it with more Applauſe, and quitted it with a more general Reluctancy of all Sorts of People: But the Time approaching for diſſolving the Old, and iſſuing out Writs for calling the New Parliament, his Lordſhip, about the 5th of *September*, was pleaſed to reſign the Great Seal of *Great-Britain* into Her Majeſty's Hands. Her Majeſty for the preſent thought fit to commit the Seal to the Cuſtody of Sir *Thomas Trevor*, Kt. Lord Chief Juſtice of the *Common Pleas*, the Honourable *Thomas Tracy*, Eſq; one of the Barons of the Exchequer in *England*, and ——— *Stroop*, Eſq; one of the Barons of the Exchequer in *Scotland*; who having iſſued out Writs for Summoning another Parliament, and done no other Buſineſs, as Lords Commiſſioners, Her Majeſty was pleaſed on the 18th of *October* to deliver the Great Seal into the Cuſtody of Sir *Simon Harcourt*, Kt. then Attorney-General, with the Title of Lord-Keeper of the Great Seal of *Great-Britain*, in whoſe Hands it now remains with good Applauſe.

HENRY VI. King of *England*, being diſpoſſeſt of his Dominions by *Edward* IV. about 1460, and *Henry* thereupon retiring for Protection into *Scotland*, he was pleaſed to appoint Sir *John Forteſcue* to be his Chancellor: This Gentleman was the Son of *Henry Forteſcue*, and the Grandſon of Sir *John Forteſcue*, Kt. He was in his Youth brought up to the Study of the Law, and had been Lord Chief Juſtice ſome Time before he was made Chancellor. He wrote a Book, Intituled, *De Laudibus Legum Angliæ*: The Deſign of which was to ſhew the Excellency

of the *English* Laws and Conſtitution, of which he inſtances in ſeveral Caſes, and endeavours to prove it preferrable to the Civil Law, in determining Cauſes Criminal and Property by Juries, and in making no Iſſue Legitimate Born before Marriage: He likewiſe endeavoured to ſhew the Benefit of a Conſtitution governed by Stated Laws, in the enacting of which the Subject has an Intereſt above a Government, which is wholly reſolved into the abſolute Pleaſure of the Prince. This Book he wrote in *Berry* in *France*, during his Attendance on *Edward*, Prince of *Wales*, King *Henry*'s Son, in order to recommend the Laws of *England* to the Eſteem and Protection of that Young Prince; a very Noble and Honeſt Deſign: The Chancellor alſo writ a Tract againſt the Title of the Houſe of *York*, which he afterwards recanted in his Declaration: So that 'tis likely he lived till after the Eſtabliſhment of that Houſe firmly on the Throne; but when and where he died I know not.

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BRITANNICVM

FINIS.

Advertiſement.

THere is now in great Forwardneſs, and very ſhortly will be put to the Preſs, the Lives of the Lords Treaſurers of *England*, Lords Commiſſioners of the Treaſury, *&c.* from *William* the Conqueror to the preſent Time.